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#### Minority Welfare Department

Notification

22nd September 2020

THE BIHAR WAQF RULES, 2020

**MWD 13-05/2010 (part)1818**—In exercise of the powers conferred by Section 109 of the Waqf Act, 1995 (Central Act 43 of 1995), as amended by Act 27 of 2013, the Government of Bihar hereby makes the following rules, namely :-

#### RULES

#### Chapter – I

**1. Short title, extent and commencement –**

- (i) These Rules may be called “The Bihar Waqf Rules, 2020”.
- (ii) It shall extend to the whole of the State of Bihar.
- (iii) It shall come into force from the date of its publication in the Official Gazette.

**2. Definitions:-** (1) In these rules, unless there is anything repugnant in the subject or context :

- (i) “**Act**” means the Waqf Act, 1995 (Central Act 43 of 1995).
- (ii) “**Amin**” means and includes a person appointed by the Sajjada Nasheen to perform the religious or spiritual functions in his absence;
- (iii) “**Azakhana/Ashoorkhana**” means and includes a place where Alam, Panjas, Nishan, Tabut, Zarih, etc., are kept.

- (iv) “**Ballot Box**” includes any box or container used for the insertion of ballot papers by voters having a lock & seal.
- (v) “**Board**” means Bihar State Shia/Sunni Waqf Boards established under Section 13.
- (vi) “**Chairperson**” means the Chairperson of the Board elected under Sub Section (8) of Section 14.
- (vii) “**Candidate**” means any candidate in electoral fray though not elected and not excluded from the poll at any given time.
- (viii) “**Count**” means all the operations involved in the counting of the votes recorded for candidates.
- (ix) “**Dargah**” means a shrine or a tomb, Mazar of a Muslim Saint including the properties attached to it.
- (x) “**District Auqaf Committee**” means a committee constituted by the Board under Section 18 of the Act.
- (xi) “**Eidgah**” means and includes an open air place duly surrounded for prefer congregational where Namaz is performed for Eid-ul- Fitr & Eid-ul-Azha other than mosque.
- (xii) “**Election**” means an exercise of a choice among the candidates to fill a vacancy / vacancies in the office of the Board members, under Sub Section (I) (II) (III) & (IV) of Clause (b) of Section (1) of Section 14 of the Act.
- (xiii) “**Elector**” means in relation to election to any category of member of the Board means any person whose name is specified in the Electoral Roll of that category unless disqualified by the Returning Officer.
- (xiv) “**Electoral College**” means the categories from which members are to be elected under Clause (b) of Sub Section (1) and second proviso of Sub Section (2) of Section 14.
- (xv) “**Electoral Registration Officer**” means officer appointed under Rule 11 of these rules.
- (xvi) “**Electoral Roll**” means a list of voters prepared under Sub-Rule (3) of Rule 11 of these Rules.
- (xvii) “**Exhausted paper**” means a voting paper on which no further reference is recorded for a continuing candidate and includes a voting paper on which :
  - (a). The names of two or more candidate, whether continuing or not are marked with the same figure and are next in order of preference; or
  - (b). The name of the candidate next in order of preference whether continuing or not in marked by a figure not following consecutively after some other figure on the voting paper by two or more figures; or
  - (c). There is such effacement, obliteration, erasure or mutilation as to make any preferences other than the first preference ambiguous.
- (xviii) “**Form**” means a Form appended to these Rules.
- (xix) “**Government**” means Government of Bihar.

- (xx) “**Imam Barah**” means a place/Building/Room where religious rituals like Majlis/Chahallum etc. held in the memory of Hazrat Ali & his two Sons Hazrat Hasan and Hazrat Hussain.
- (xxi) “**Qabristan**” means and includes a Muslim burial ground either Private or Public.
- (xxii) “**Khadim**”/Naib means and includes a person appointed by the Sajjada Nashin / Mutawalli of a Waqf to assist him in performing the duties of such Waqf.
- (xxiii) “**Khanqah**” means and also includes Daira, Takiya, Jamat Khana and the **premises** where a Dervesh or Sufi Saint had imparted / imparts religious and spiritual teachings to the Disciples and seekers of truth, congregate for religious instructions and devotional exercise.
- (xxiv) “**Legal practitioner**” shall have the same meaning as assigned to it in the Advocates Act, 1961 (25 of 1961).
- (xxv) “**Madarsa**” means and includes Islamic learning centre where religious education, alongwith other curriculum, is imparted.
- (xxvi) “**Maktab**” means and includes a place where elementary Islamic education and teachings are imparted.
- (xxvii) “**Mansha-e-Waqif**” means intention of a person who dedicated his property as a Waqf and includes the object, purpose of dedication and scheme for administration of the Waqf.
- (xxviii) “**Maqbara**” means a grave or a tomb.
- (xxix) “**Masjid**” means a place/Building of worship where Muslims offer Congregational prayers / Salath (Namaz).
- (xxx) “**Mouzan/Moazzin**” means a person appointed or nominated or volunteer to call for Aazan / Salath and to carry out such other duties as assigned from time to time by the management of the Mosque.
- (xxxi) “**Muzawar/Mujabir**” means a person appointed by the Sajjada Nasheen or Mutawalli or any competent authority under the law for the time being enforced in respect of Dargah / Mazar or a shrine to discharge the functions assigned to him from time to time;
- (xxxii) “**Musafir Khana / Sarai**” is a place for the accommodation of travellers;
- (xxxiii) “**Pesh-e-Imam**” means a person working / appointed by the management of a mosque to lead congregational prayers/salath;
- (xxxiv) “**Preferential Voting**” means casting of vote in the order of preference. ‘First preference’ means the figure ‘1’ written opposite the name of a candidate, ‘Second Preference’ means the figure ‘2’ written opposite the name of candidate;
- (xxxv) “**Premises**” means any land or any building or part of building and includes,-  
(a) Gardens, water bodies, grounds, if any, appertaining to such building or part of the building

- (b) Dargah, Graveyard, Peerkhana, Karbala, Maqbara, Mosque, Tomb, Imambara, Lungar Khana, Ziarat Khana, Kutub Khana and the courtyard appertaining thereto; and
  - (c) Any fittings affixed to such building or part of the building for the more beneficial enjoyment thereof;
- (xxxvi) “**Presiding Officer**” includes any Polling Officer performing any of the functions of a Presiding Officer under rule 26;
- (xxxvii) “**Public Holiday**” means any day which is a public holiday for the purpose of Section 25 of Negotiable Instruments Act, 1881;
- (xxxviii) “**Registrar**” means the Registrar of the Tribunal and includes Assistant Registrar or any other person to whom the Registrar may, with the approval of the Tribunal, delegate any function to be exercised by the Registrar;
- (xxxix) “**Returning Officer**” means an officer appointed under sub-rule (1) of rule 16 and includes any Assistant Returning Officer performing any functions authorized to perform under sub-rule (4) of rule 16;
- (xl) “**Sajjada Nasheen**” means a spiritual superior of a Khankah, Dargah, Jamatkhana, Takiya and incharge of spiritual affairs of such institutions;
- (xli) “**Section**” means the section of this Act;
- (xlii) “**Senior Muslim Advocate**” as per proviso to Clause (iii) of sub-section (1) of section 14 means a Muslim Advocate who has put in active practice for a minimum period of 20 years;
- (xliii) “**Sheristedar**” means an official of **Management cadre** working in Waqf Tribunal;
- (xliv) “**Surplus**” means the number by which the value of the votes, original and transferred, of any candidate exceed the quota;
- (xlv) “**Transferred Vote**” in relation to any candidate means a vote the value or part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate;
- (xlvi) “**Unexhausted paper**” means a voting paper on which a further preference is recorded for a continuing candidate;
- (xlvii) “**Waqf Inspector**” means an Official appointed by the Bihar State Shia/Sunni Waqf Board(s), at the District level as such;
- (xlviii) “**Waqf Officer**” means an Officer appointed by the Bihar State Shia/Sunni Waqf Board(s), at the District level as such;
- (xlix) “**Waqf Premises**” means, -
  - (a) Any premises dedicated by a person of movable or immovable property orally or by an instrument in writing and used for any purpose recognized by Muslim Law as pious, religious and charitable.
  - (b) Premises notified as Waqf property in the official gazette; or



- (c) Premises registered as Waqf in the Register of Auqaf maintained by the Board; or
- (d) Premises being treated as Waqf by user.
- (l) **“Waqf Property”** means any movable or immovable property referred to in clause (r) of Section 3 of the Act and includes premises thereof;
- (li) **“Waqf Tribunal”** means the ‘Bihar State Waqf Tribunal’ constituted under sub-section (1) of section 83 of the Act;
- (lii) **“Yateem Khana”** means an institution providing care, shelter and education to destitute and orphans.
- (2) All words and expressions used in these rules and not defined herein but defined in the Act, shall respectively have the same meaning as assigned to them in the Act.

## CHAPTER – II

### SURVEY OF PROPERTIES OF AUQAF

#### 3. *Appointment of Survey Commissioner:-*

- (1) The State Government under Sub Section 1 of Section 4 shall by notification in the official gazette appoint an officer to be the Survey Commissioner of Waqfs or instead of making such appointment may notify the secretary to the Government, Minority Welfare Department, to hold simultaneously the post of Survey Commissioner of Waqfs.
- (2) The State Government by notification in the official Gazette shall appoint an officer to be the Additional Survey commissioner or may notify the Collector or Additional collector of a district to perform and exercise all the powers and duties of an Additional Survey Commissioner.
- (3) The State Government by notification in the official gazette to notify an Assistant Survey Commissioner or may notify the Deputy Collector, Land Reforms of a revenue Sub Division to exercise and perform all the duties and powers of an Assistant Survey commissioner and shall have assistance by :-
  - a) Waqf Officer;
  - b) Waqf Inspector,
  - c) District Auqaf Committee,
  - d) Mutawalli of the Waqf Estate,
  - e) District Minority Welfare Officer,
- (4) The Survey Commissioner shall submit the survey report to the Revenue Department and Minority Welfare Department of the State Government as well as the Bihar State Shia/Sunni Waqf Board.

**4. *Other particulars to be included in the report of the Survey Commissioner of Auqaf :-*** The report to be submitted by the Survey Commissioner to the Government under sub-section (3) of Section 4 of the Act shall be in Form No.1.

**5. *Survey and Publication of list of Auqaf:-*** The State Government shall cause Survey of Auqaf and shall cause publication of list of Auqaf as provided under Chapter-II of the Act by the Revenue Department.

**6. Particulars to be included in the list of Auqaf to be published by the State Government:-** The list of Auqaf published by the Revenue Department of the State Government under section 5 shall be in Form No.2.

**7. Updating of Auqaf Property in Revenue Records:-**

- (1) The State Government, after receipt of the list of Auqaf from the Board under section 5 of the Act, after publication in the official gazette either by the Department of Minority Welfare or by the Revenue Department shall send it within a period of one month to the Authorities in Revenue, Urban Development and Panchayat Raj Departments.
- (2) On receipt of the lists under sub-rule (1) from the Government, the concerned authorities shall, after updating the Revenue Records of the Government at circle level, submit a copy of such updated records to the Government and the Board within a period of six months.

**8. Updating of Records of Waqf properties:-**

- (1) Whenever any new property is acquired by a registered Waqf institution or a new Waqf institution is registered, and in every case of Waqf by user, the Mutawalli or the Executive Officer in relation to the Waqf shall apply in Form No.3 to the Collector of the District / Land Reforms Deputy Collector and/or Circle Officer, Municipal Commissioner and in difficulty, within whose local limits the property is situated for updating of property in the Revenue Records of the Government and also to the Chief Executive Officer of the Waqf Board for updating Register of Auqaf.
  - (a) Where the property is an agricultural land to the Revenue Circle in whose jurisdiction the land is situated; and
  - (b) Where the property falls under Municipality or Corporation or Village Panchayat within whose local limits the property is situated before that institution also.
- (2) The Mutawalli (which include Managing Committee) or the Executive Officer shall update the records of each of such property by entering in the relevant column of the record the words "Waqf property" followed by the name of the "Waqf".
- (3) The Mutawalli of every Waqf institution shall maintain the following Registers; namely:-
  - (a) Register containing the details of immovable properties belonging to the Waqf in Form No.4.
  - (b) Register containing the details of moveable properties belonging to the Waqf in Form No.5.
  - (c) Register containing the details of lease granted under Section 51 and 56 of the Act in respect of immovable properties of the Waqf in Form No.6.
  - (d) Register containing details of properties developed under various schemes as per Section 51 of the Act in Form No.7.
  - (e) Register containing details of the Waqf properties acquired under Land Acquisition Act, 1894 or any other law relating to acquisition of land in Form No.8.

- (4) The Mutawalli shall update the registers maintained in rule 3 on or before 31st of January every year.
- (5) The Mutawalli shall submit the aforesaid registers duly updated to the District Minority Welfare Officer-cum-Waqf Nodel Officer on or before the end of February every year.
- (6) The District Minority Welfare Officer-cum-Waqf Nodel Officer shall after verification of the entries made by the Mutawalli in the prescribed registers and cause necessary entries in the corresponding registers to be maintained in the District Waqf Office in Form Nos. 9,10,11,12 and 13.
- (7) The District Minority Welfare Officer-cum-Waqf Nodel Officer shall submit report of the aforesaid entries made under rule (6) to the Chief Executive Officer in Form Nos. 9,10,11,12 and 13 on or before 31st March every year.
- (8) On receipt of the report from the District Minority Welfare Officer-cum-Waqf Nodel Officer, the Chief Executive Officer shall cause necessary entries in the corresponding registers to be maintained in the office of the Board in Form Nos.14, 15, 16, 17 and 18.

**9. Assessment of damages:-** In assessing damages for unauthorized use and occupation of Waqf property, under sub-section (6) of section 7 of the Act, the Waqf Tribunal shall take into consideration the following matters; namely:-

- (1) The purpose and the period for which the Waqf property is in unauthorized occupation.
- (2) The extent of the property available in such premises.
- (3) The rent that would have been realized, if the properties had been let out on rent for the period of unauthorized occupation.
- (4) ***Penalizing the unauthorized occupants:*** The penalty levied under sub-section (6) of section 7 of the Act by the Tribunal shall not exceed double the amount of damages assessed.
- (5) Any other matter relevant for the purpose of assessing the damages including any damage caused to the building.

**10. Powers to acquire, hold and transfer of property as per Section 13 of the Act:-**

- (1) The Board being a body corporate having perpetual succession shall have power to acquire, hold and transfer any such property as Board's own property and that property shall not be treated as Waqf property. The income derived from such property shall be determined by the Board and shall be utilized for its development and other contingent expenditure as decided by the Board.
- (2) The Board shall have power to acquire and hold the moveable or immovable properties obtained from any source other than the Auqaf.
- (3) The power to sue and to be sued in pursuance of sub-section (3) of section 13 is confined to the property belonging to the Board.



### CHAPTER-III

#### ELECTION CONDUCTING AUTHORITY

##### 11. *Appointment of Electoral Registration Officer:-*

- (1) The Government shall appoint an Electoral Registration Officer who shall be an Officer not below the rank of a Additional Secretary, whose appointment shall be made not less than six months prior to the completion of the respective term of each of the Boards.
- (2) *Notification regarding Electoral Rolls:-* The Electoral Registration Officer shall issue notification regarding preparation of Electoral Rolls in Form No.19 within seven days from the date of his appointment which shall be published at the office of the Electoral Registration Officer, Office of the Bihar State Sunni/Shia Waqf Board and in all the District Waqf Offices and such Waqf institutions as Electoral Registration Officer may think fit. Wide Publicity of the Notification shall also be given by publishing it in local dailies having circulation in the area, at least one each in Hindi, Urdu and English languages.
- (3) *Preparation of Electoral Roll:-* The Electoral Roll for the four Categories of Electoral Colleges under Clause (b) of sub-section (1) of section 14 shall be prepared or revised before the date of the notification of the election to the Board.
- (4) *Obtaining list of Electoral Colleges by Electoral Registration Officer:-* The Electoral Registration Officer at the time of revision of Electoral Roll to the four Electoral Colleges shall obtain the list of eligible voters in case of categories specified in Sub-Clause (i) and (ii) of Clause (b) of sub-section (1) of section 14, from (i) Secretary-General of Lok Sabha and Rajya Sabha, (iii) Secretary, Bihar Legislative Assembly and Secretary, Bihar Legislative Council, (iv) the Secretary, Bihar State Bar Council and from the Chief Executive Officer, (v) Bihar State Sunni/Shia Waqf Board respectively.
- (5) The Electoral College for the category of Mutawalli shall consist of Auqaf having an annual income of Rupees One Lakh and above for the financial year preceding the year of election.

##### 12. *Application for Registration by Voters to the Electoral Registration Officer:-*

- (1) The Electoral Registration Officer shall furnish the form of application in Form No.20 to all those, whose names are not included in the list obtained under sub-rule (4) of rule 11 and to all persons eligible for registration, on their request.
- (2) The voters intending to get registered in the respective Electoral College shall fill up Form No.20 and Form No.20 (A) and submit them so as to reach the Electoral Registration Officer within seven days from the date of Notification under sub-rule (2) of rule 11.
- (3) No person shall be entitled to seek election unless his name is in the Electoral Roll.



**13. *Publication of Provisional Electoral Roll.***—The Electoral Registration Officer shall prepare and publish the Provisional Electoral Roll in not more than three months from the date of his appointment.

- (a) The last date for filing of Claims/Objections for the Provisional Electoral Roll shall be fifteen days from the date of its publication.
- (b) If any objections are received the Electoral Registration Officer shall consider them by holding summary inquiry and pass appropriate orders within fifteen days from the last date fixed for receipt of objections.
- (c) The Final Electoral Roll shall be published within seven days from the completion of the process under this rule.

**14. *Forms and Language of Electoral Roll:-***

- (1) The Electoral Roll in respect of the four Electoral Colleges shall be prepared in Form Nos.21A, 21B, 21C and 21D.
- (2) The Electoral Roll shall be in Urdu, Hindi and English languages.

**15. *Electoral Roll of Ex-Muslim Members of Parliament from Bihar, Ex-Muslim Members of State Legislature and Ex-Muslim Members of the Bar Council:-*** The procedure specified under rules 11 to 14 shall mutatis mutandis apply to the preparation of rolls of the Electoral Colleges of Sunni and Shia sects specified in the second proviso to sub-section (2) of section 14. Separate Electoral Roll shall be maintained for each category respectively there under, in Forms Nos.22A, 22B and 22C respectively.

**16. *Returning Officer and Assistant Returning Officer:-***

- (1) The State Government shall appoint an Officer not below the rank of a Additional Secretary to be the Returning Officer for conduct of Election to the Members of the Shia and Sunni Board from the four Electoral Colleges respectively.
- (2) For the purpose of polling to the election of member/s of the Shia and Sunni Board from the respective Electoral College of Mutawalli of the State of Bihar shall be made at the office of respective Waqf Boards. The Returning Officer shall conduct such polling at the office of Waqf Boards respectively. The Returning Officer shall appoint Under Secretary rank Officer, as the Presiding Officer for the purpose of such polling.
- (3) There may be one or more polling booths where election has to be conducted.
- (4) The Returning Officer may also appoint Chief Executive Officer or Additional Chief Executive Officer of Bihar State Shia/Sunni Waqf Board(s) as Assistant Returning Officer.
- (5) The Returning Officer shall appoint sufficient number of Presiding Officers and Polling Officers for the booths:

Provided that, no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said functions.

**17. Notification of election by the State Government:-** The State Government shall notify in Form No.23 the schedule of election to the four Electoral Colleges consisting of one or two members from each Electoral College under Clause (b) of sub-section (1) of section 14, indicating the dates of commencement and completion of election which shall not be less than thirty days.

**18. Publication of Notice of Election by Returning Officer:-**

- (1) Public Notice of election notified under rule 17 shall be published by the Returning Officer indicating clearly,-
  - (a) the number of persons to be elected to each of the Electoral Colleges for which election is declared;
  - (b) the last date for filing of nominations shall be the seventh day after the date of publication of the Notice under this rule;
  - (c) the place at which such nominations are to be filed;
  - (d) the date of scrutiny of nominations which shall be the day next after the last date for filing nominations;
  - (e) the last date for withdrawal of nominations shall be the third day after the date for the scrutiny of nominations;
  - (f) the date on which polling shall be held being a date not earlier than the tenth day after the last date for withdrawal of nominations;
  - (g) the date before which the process of election shall be completed; and
  - (h) the date, place and time for counting of votes:

Provided that, the last date for the filing of the nomination shall not be less than thirty clear days before the date of the election.

Provided further that, if any date notified under Clauses (b), (d) and (e), falls on a public holiday such date shall be deemed to be the date on the working day falling immediately next after the holiday.

- (2) The notice shall be issued in Form No.24 and published in local dailies having wide circulation in the area, at least one in each language namely Hindi, Urdu and English, and at the offices of:
  - (i) The Returning Officer;
  - (ii) The Bihar State Shia/Sunni Waqf Board(s);
  - (iii) The District Auqaf Committees; and
  - (iv) Any other offices deemed appropriate by the Returning Officer.

**19. Presentation of Nomination Papers:-**

- (1) Nomination papers duly filled in all respects in Form 25 shall be filed on any day before the last day notified, at such place and within such time as may be specified in the notice published under rule 18.
- (2) Every candidate for election as Member of the Board shall be proposed by one voter and seconded by another voter. The nomination paper shall be delivered to the Returning Officer either personally or by / through an Agent on or before the date specified in the notification under rule 18.

- (3) A candidate may file not more than two nomination papers for any seat; however the proposer in respect of each nomination shall not be the same person.
- (4) Where there is a single Member/Voter of any category of Electoral College, he himself shall file Nomination without proposer and seconder.

**20. Deposit:-** Every nomination paper shall be accompanied by the demand draft or cash receipt for having paid non-refundable deposit of an amount of Rs.2,000/- (Rupees Two Thousand only) in favour of the respective Waqf Board(s) and produce the receipt along with the Nomination Paper.

**21. Notice of Nomination, time and place of scrutiny of nomination papers:-** The Returning Officer shall on receipt of the nomination paper, inform the candidate or authorized person delivering the same, the date, time and place fixed for scrutiny of nomination papers and record on the nomination paper its serial number in the category and the date and time at which the nomination paper was delivered to him. Thereafter the Returning Officer shall cause to be affixed in a conspicuous place in his office a notice of the nominations in Form No.26, separately in respect of each Electoral Colleges.

**22. Oath of Affirmation:-**

- (1) Every candidate shall at the time of filing the nomination take oath of affirmation in Form No.27 before the Returning Officer.
- (2) The candidate can appoint his Election Agent by making an application in Form No.28 to the Returning Officer.

**23. Scrutiny of Nomination:-**

- (1) On the date fixed for scrutiny of nomination under rule 21, no other person other than the candidate or the Election Agent and one proposer of each candidate shall be allowed to be present at the time of scrutiny.
- (2) The Returning Officer shall examine the nomination papers and receive objections, if any, in respect of any nomination to the respective Electoral College, may either on receipt of such objections or on his own motion after summary inquiry, as he deems fit, reject any nomination on any of the following grounds; namely:-
  - (a) That the candidate is ineligible for election as Member of that particular category of the Board;
  - (b) That the candidate incurred any of the disqualifications specified in section 16 of the Act;
  - (c) That the name of the candidate is not entered in the Electoral Roll.
  - (d) That there has been a failure to comply with any of the provisions of rules 20, 21 and 22(1); and
  - (e) That the signature/thumb impression of the candidate or the proposer in the nomination paper is not genuine:-

Provided that, the Returning Officer shall permit any clerical or technical error in nomination paper with regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entry in the Electoral Roll and wherever necessary direct that any clerical or technical errors may be overlooked.

- (3) Nothing contained in Clause (b) or (c) of sub-rule (2) shall be deemed to authorize the rejection of nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has

been duly nominated by means of another nomination paper, in respect of which no irregularity has been committed.

- (4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial nature.
- (5) The Returning Officer shall hold scrutiny on the date appointed in this behalf under rule 21 and shall not allow any adjournment of the proceedings except when such proceedings are intercepted or obstructed by causes beyond his control:-

Provided that, in case any objection is raised by the Returning Officer or any contesting candidate to that particular category or his election agent concerned may be allowed time to rebut it, not later than the next day fixed for scrutiny and the Returning Officer shall record his decision on the date on which the proceedings have been adjourned.

- (6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.
- (7) The Returning Officer shall take up the scrutiny of nomination paper of various Electoral Colleges as per the sequence under Clause (b) of sub-section (1) of Section 14.
- (8) Immediately after all the nomination papers for the various Electoral Colleges have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of candidates whose nominations have been found valid in Form 29.

**24. *Withdrawal of candidature:-***

- (1) A candidate may at any time before the date and time notified under rule 18 withdraw his candidature by giving in writing to the Returning Officer, either in person or his Election Agent who is authorized in this behalf, a notice of withdrawal in Form 30 and on receipt of such notice, the Returning Officer shall endorse thereon, the date and time at which it was delivered.
- (2) No person who has given a Notice of withdrawal of the candidature, under sub-rule (1), shall be allowed to recall the notice.
- (3) The Returning Officer shall on being satisfied the genuineness of notice and the identity of the person delivering it, notify the withdrawal of candidature in Form 31, on the Notice Board or at a conspicuous place of his office for each of the Electoral Colleges separately.

**25. *Preparation and Publication of list of contesting candidates:-***

- (1) Immediately on expiry of the period within which candidature may be withdrawn under rule 24, the Returning Officer shall prepare in Form 32 in respect of each Electoral College, a list of such contesting candidates alphabetically in English with addresses.
- (2) The Returning Officer shall immediately after the preparation of the list of contesting candidates, cause a copy of the list to be published on the Notice Board or affixed at a conspicuous place in his office. The list shall also be published in Hindi and Urdu languages.



**26. Presiding Officer and Polling Officer:-**

- (1) The Returning Officer shall appoint one Presiding Officer and such number of Polling Officers as he thinks necessary for each Polling Station.
- (2) A Polling Officer shall, if so directed by the Presiding Officer perform all or any of the functions of Presiding Officer.
- (3) If the Presiding Officer, owing to illness or other unavoidable circumstances remains absent from the polling station, his functions shall be performed by such Polling Officer as has been previously authorized by the Returning Officer to perform such functions during any such absence.
- (4) Reference in these Rules to the Presiding Officer shall unless the context otherwise requires, be deemed to include any person performing any functions under authority from the Presiding Officer.

**27. Duties of Presiding Officers/Polling Officers:-** It shall be the duty of the Presiding Officer and the Polling Officer at each polling station to see that the poll is conducted fairly and in orderly manner, and in so conducting they shall be guided by the detailed instructions set out in Annexure – I to these rules.

**28. Procedure where the number of candidates is equal to or less than the number of seats:-**

- (1) No poll shall be held pursuant to a notification of election issued under rule 18, unless the number of contesting candidates in any Electoral College is more than the number of seats to be filled from the Electoral college;
- (2) Where the number of candidate contesting from any Electoral College is equal to or less than the number of seats to be filled in the Electoral College, the Returning Officer shall forthwith declare in Form 33 that such candidates are duly elected to fill the seats and send information to the Government.

**29. Procedure to be adopted by Returning Officer, Asst. Returning Officer, Presiding Officer and Polling Officer:-** The Returning Officer, Asst. Returning Officer, Presiding Officer and Polling Officer shall follow the procedure as laid down in the Conduct of Election Rules 1961 made under the Representation of Peoples Act, 1951 (Central Act 43 of 1951) as amended from time to time wherever the provisions of these rules are found to be inadequate.

**30. Manner of casting votes and choice of Electoral College:-**

- (1) Voting by proxy shall not be permitted at any election held under sub-section (2) of section 14.
- (2) Where any voter is a voter in more than one Electoral Colleges he shall be allowed to vote in any one of the Electoral Colleges of his choice, if he indicates at least two days earlier to the date of poll, about his choice in Form No.34 to the Returning Officer. The Returning Officer shall thereupon retain the name of the voter only in the Electoral College of the choice of the voter and strike out the name in the Electoral Roll of the remaining Electoral Colleges.

**31. Method of Voting:-**

- (1) For the purpose of voting, the voter shall use only a violet sketch pen supplied by the Returning Officer, along with the ballot paper. He shall not use any other pen, pencil, ball point pen or any other marking instrument, as that will invalidate the ballot paper;
- (2) Voting shall be by making the figure '1' in the column marked "order of preference" provided against the name of the candidate whom the voter chooses as first preference;
- (3) The voter has to indicate his further preferences for the remaining candidates in the same manner as in Sub-rule (1) above, by making figure 2 in the order of his preference;
- (4) The voter has as many preferences as there are contesting candidates irrespective of the number of candidates to be elected. For example, if there are five contesting candidates, and only two are to be elected, a voter can mark preferences against the candidates of his choice in order of preference;
- (5) Preferences shall be indicated in Arabic numerals i.e., 1, 2 or in words as 'one', 'two' and not in any other manner;
- (6) The voter shall not write his name or write any words or put his signature or initials or thumb impression on the ballot paper to disclose his identity;
- (7) It is not sufficient to put a mark like ' ' or 'X' against the candidates but the voter shall indicate his order of preference;
- (8) If the ballot paper is to be held valid, it is necessary that the voter should indicate his first preference by placing figure '1' against one of the candidates. The other preferences are optional, i.e., the voter may or may not indicate the second and subsequent preference;
- (9) In the event of election taking place for all Electoral Colleges separate ballot boxes have to be provided for each of the Electoral Colleges;
- (10) The voter and polling agent shall not carry any electronic gadgets inside the polling booths; and
- (11) Any voter or polling agent found to be violating sub-rule (10), his vote shall be invalid and such erring voter or polling agent shall not be allowed to stay inside the polling station.

**32. Form of Ballot Paper:-**

- (1) Every ballot paper shall have a counter foil attached thereto, to indicate the Electoral Roll part number and serial number of the voter on both ballot paper and counterfoil and the particulars therein shall be in Hindi, Urdu and English languages;
- (2) The names of the candidates shall be printed on the Ballot Paper in the same order in which they appear in the list of contesting candidates;
- (3) The Ballot Paper shall have a column against the name of each candidate wherein voter shall indicate his preference;

- (4) If two or more candidates bear the same name they shall be distinguished by the addition of their occupation or residence or in any other manner as the Returning Officer may prescribe;
- (5) When the election to all the four Electoral Colleges takes place, the color of the ballot paper for each category shall be specified by the Returning Officer; and
- (6) The Returning Officer may adopt the guidelines prescribed in the Hand Book for Returning Officers of Election Commission of India for the exact design of the Ballot Paper.

**33. Counting of Votes, Results and Return of Election:-**

- (1) On the date fixed for counting of votes, the Returning Officer shall cause to take up counting of votes as per the procedure framed under the Representation of the People's Act 1951;
- (2) The Return of Election for each of the Electoral Colleges shall be furnished separately in Form 35;
- (3) The Returning Officer shall for each Electoral College declare in Form 36 the candidate/candidates who has polled duly the largest number of votes as elected. A copy of Form 35 should be sent to Government and to the Chief Executive Officer of Bihar State Shia/Sunni Waqf Board(s);
- (4) At the time of counting the candidate or his agent shall be entitled to be present;
- (5) A ballot paper is invalid if,-
  - (a) the figure '1', '2' or the word 'one', 'two' is not marked; or
  - (b) the figure '1', '2' or the word 'one', 'two' set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate is intended to apply; or
  - (c) the figure '1', '2' or the word 'one', 'two' and some other figures are set opposite the name of the same candidate; or
  - (d) there is any mark in writing by which the voter can be identified;
  - (e) If there is such effacement, obliteration, erasure, or mutilation as to make the first preference ambiguous.

**34. Ascertainment of quota:** At any election where more than one seat is to be filled, every valid ballot paper shall be deemed to be of the value of hundred, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows, namely:-

- (1) Add the values credited to all the candidates under clause (c) of Rule 74 of Conduct of Election Rules, 1961;
- (2) Divide the total by a number which exceeds by 1 the number of vacancies to be filled; and
- (3) Add one to the quotient ignoring the remainder, if any, and the resulting number is the quota.

**35. *Candidates with quota elected:-*** If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of ballot papers credited to a candidate is equal to, or greater than the quota, that candidate shall be declared elected.

**36. *Transfer of surplus:-***

- (1) If at the end of any count the value of the ballot papers credited to a candidate is greater than the quota, the surplus shall be transferred, in accordance with the provisions of this Rule, to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the elector's preference.
- (2) If more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude; provided that every surplus arising on the first count shall be dealt with before those arising on the second count and so on.
- (3) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate for whom most original votes are recorded shall have his surplus first distributed; and if the value of their original votes are equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed.
- (4) (a) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded there on and make a separate sub-parcel of the exhausted papers;  
(b) He shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers;  
(c) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred; and  
(d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.
- (5) If the surplus of any candidate to be transferred arises from transfer as well as original votes, the Returning Officer shall examine all the papers in the sub-parcel last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon, and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels transferred to in sub-rule 4.
- (6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.
- (7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this Rule shall be set apart as finally dealt with.



**37. Exclusion of candidates lowest on the poll:-**

- (1) If after all the surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the Returning Officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon; and any exhausted papers shall be set apart as finally dealt with.
- (2) The papers containing original votes of an excluded each paper being one hundred.
- (3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of transfers in which, and at the value at which, he obtain them.
- (4) Each of such transfers shall be deemed to be a separate transfer but not a separate count.
- (5) If, as a result of transfer of papers, the value of votes obtained by the candidate is equal to or greater than the quota, the count then proceeding shall be completed but no further papers shall be transferred to him.
- (6) The process directed by this Rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such vacancy is filled either by the election of a candidate with the quota or as hereinafter provided,
- (7) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall be excluded; and if the values of their original votes are equal the candidates with the smallest value at the earliest count at which these candidates had unequal values shall be excluded.
- (8) If two or more candidates are lowest on the poll and each has the same value of votes at all counts the Returning Officer shall decide by lot which candidate shall be excluded.

**38. Grant of Certificate to Elected candidates:-** As soon as may be after a candidate has been declared elected, the Returning Officer shall grant to such candidate a Certificate of election in Form 37 and obtain from the candidate an acknowledgment duly signed by him and immediately send the acknowledgment to the Government along with a copy of Result in Form 35 in the case of each Electoral College.

**39. Scholar to be nominated by State Government:-**

- (1) A Sunni Scholar nominated by the State Government as per Clause (d) of sub-section (1) of section 14 of the Act the State Government shall appoint a prominent recognized Sunni Scholar must possess a certificate not below the rank of a Mufti awarded by a major Islamic Seminary.; and

- (2) A Shia Scholar nominated by the State Government as per Clause (d) of sub-section (1) of section 14 of the Act the State Government shall appoint a prominent recognized Shia Scholar must possess a Masters Degree / Hujjat-ul-Islam in Islamic Theology from the Recognized Universities / major Islamic Seminary.

**40. Notification by Government:-** The State Government shall within two weeks after the receipt of results of election of the members of the respective Bihar State Shia/Sunni Waqf Board(s) under the various Electoral Colleges shall issue a notification containing the names of elected members from the four Electoral Colleges under Clause (b) of sub-section (1) of section 14 and other members nominated under Clauses (c), (d) and (e) of Sub-section (1) of Section 14 as members of the Bihar State Shia/Sunni Waqf Board(s) in Form 38.

**41. Election of the Chairperson:-**

- (1) Whenever the Board is constituted or re-constituted, the State Government shall fix by giving to the members not less than seven clear days notice in Form 39 a date for the first meeting of the Board to elect a Chairperson. The Notice shall state the time and place of the meeting.
- (2) Whenever a vacancy of Chairperson of the Board arises due to resignation, removal, death or otherwise the procedure for election of Chairperson as prescribed in sub-rule (1) above shall be followed.
- (3) The election of Chairperson shall be conducted by the Principal Secretary to the Government of Minority Welfare Department or any other Officer in the same rank deputed by the State Government in the meeting convened under Sub Section (1) through secret ballot code. The proceedings of the meeting shall be recorded and minutes drawn.
- (4) Immediately after the election of the Chairperson, the Government shall issue a notification in Form 40 containing the name of the member elected as a Chairperson of the Bihar State Sunni/Shia Waqf Boards under sub-section (8) of section 14.

**CHAPTER-IV****APPOINTMENT, DUTIES AND POWERS OF CHIEF EXECUTIVE OFFICER OF THE BOARD****42. *Appointment of Chief Executive Officer of the Board:-***

- (1) The Chief Executive Officer of the Board shall be appointed by deputation, out of an Officer of the Indian Administrative Service or the Bihar Administrative Service or any Officer from State Government of equivalent cadre, not below the rank of Deputy Secretary to the Government, having knowledge of Urdu language.
- (2) The term of deputation for the post of Chief Executive Officer shall be for three years generally, which may be extended up to five years in consultation with the Board.
- (3) The Chief Executive Officer shall be entitled to deputation allowance at such rate as the Board may specify by regulations, in addition to his own pay and allowances.

**43. *Powers of Chief Executive Officer in respect of orders or resolutions of Board under Section 26:-*** The objection noting of the Chief Executive Officer under Section 26 of the Act will be remitted before the Board within seven days of such resolution and the Board shall take a decision in the next meeting or within 60 days from the date of such objection.

**44. *Inspection of records, registers or other documents of any public office relating to Waqf or movable or immovable properties which are Waqf properties or, are claimed to be Waqf properties under Section 29:-***

- (1) The Chief Executive Officer or any other Officer of the Board duly authorized by him in this behalf shall make an application in Form 41 to the concerned authority for the purpose of inspection of records, registers or other documents relating to movable or immovable property of Waqf under section 29 of the Act who will be obliged to facilitate the same, being an official duty under Section 28 of the Waqf Act.
- (2) In case the concerned authority refuses to produce the said records, registers, documents relating to movable or immovable Waqf properties to the Chief Executive Officer or any other Officer of the Board duly authorized in this behalf, the Chief Executive Officer shall report to the State Government through the General Administration Department with a prayer for initiation of departmental proceeding for dereliction of duty by the Officer concerned and to ensure for securing the said documents, records, registers etc., for inspection.
- (3) The State Government on receipt of the Report of the Chief Executive Officer shall take up such dereliction on part of the Officer departmentally and also direct the concerned authority to produce the said documents for inspection within 15 days from the receipt of the direction of the State Government.
- (4) In case the Chief Executive Officer or any other Officer of the Board requires a certified or authenticate copy of any such record, register,

document of movable or immovable property from the authority concerned and such Officer shall supply the copy of the required records, registers or documents from receipt of requisite fee.

**45. Time unit to produce the documents:-** The Mutawalli, Government Offices, organisations or any other person having custody of documents related to Waqf properties shall produce the same within ten days before the Chief Executive Officer.

**46. Conditions subject to which inspection of Board's proceeding and other records and supply of certified copies may be allowed under sub Section (1) of Section 30:-**

- (1) The Board or Chief Executive Officer may allow inspection of his proceedings and other records in its custody on an application made in Form 41(A) to the Chief Executive Officer or any other Officer duly authorized by the Board in its behalf. Every such application shall specifically mention the details of the records sought to be inspected.
- (2) On receipt of the Application, the Chief Executive Officer or the Officer authorized by the Board under Sub Rule (1) may grant permission of inspection to the bonafide persons.
- (3) Inspection of Board's proceedings or other records shall be made under the supervision of the official of the Board nominated by the Chief Executive Officer or the Officer authorized by the Board under Sub Rule (1) on payment of a fee as may be prescribed by the Board from time to time.
- (4) Any person desiring to have a certified copy of any proceeding or other documents/records may make an application in Form 41(B) to the Chief Executive Officer or any other Officer duly authorized by the Board in its behalf with specific details of the proceedings or the records/documents copies of which is required alongwith the prescribed fee for grant of certified copies.
- (5) The office of the Board shall prepare the copy of the proceeding, documents /records and shall compare it to be the Original and the CEO or any other Officer authorised by the Board shall certify it, sign the same and put a seal in the following manner :

“Under Section 76 of the Indian Evidence Act, 1872, it is certified that it is true copy of the original document or part 1 thereof.”

**Signature with the date and  
seal of the Certifying Officer.**

- (6) The certified copy, so prepared shall be granted to the Applicant or his Agent within one week of the receipt of the application under sub Rule (5) and the recipient shall put signature for such receipt.
- (7) In no case, a certified copy of any proceeding or of any record of the Board shall be sent by post.



**47. *Conditions and restrictions in respect of transfer of Waqf Properties by the Board under Section 32(2)(J) read with Section 51, Section 99(2) (C) & Section 104 A & B :-***

- (1) The Board shall not accord sanction to any transfer of immovable property of the Waqf through gift, sale, mortgage, exchange of Waqf property, any lease or any type of settlement for more than three years, including in the cases when sanction for such gift, sale, mortgage, exchange and lease and any type of settlement is to be accorded by the Special Officer under Section 99(2) of the Waqf Act, 1995.

Provided that the Board may accord sanctions in favour of State Government for the construction of Hospital, School, Madarsa, Hostel etc. on the Waqf property in the name of the Waqf Estate.

Provided further that such sanction may not be in conflict with the Waqfnama / mandate of the Waqif and the management of such established Hospital, School, Madarsa, Hostel etc. will be in direct control of the management of the Waqf Estate.

- (2) An application alongwith an affidavit for such sanction shall be submitted by a Mutawalli / Secretary of the Managing Committee to the Board and with all particulars as the Board may consider necessary.
- (3) Where the Board intends to accord sanction for construction of Hospital, School, Madarsa, Hostel etc. over the Waqf property, it shall cause a notice of its intention to do so to be served on the Mutawalli / Secretary of the Managing Committee of the Waqf either by personal service or by sending it to him by registered post with acknowledgement due.
- (4). Every notice referred to in Sub-Rule(3) shall specify a period not being less than 45 days from the date of the notice, within which any objection or suggestion may be made by any person interested in the Waqf property and shall contain the following particulars, namely :-
  - (a) Nature of the transaction proposed to be made in respect of the Waqf property;
  - (b) Correct description of the Waqf property giving particulars about survey number, extent, boundary and ward number, holding number and house number if the property is situated in a municipal area.
  - (c) The revenue assessed on the Waqf property that is, land revenue, or property tax etc.
  - (d) Encumbrances, if any, against the Waqf Property.
  - (e) The conditions of grant of such permission for construction of Hospital, School, Madarsa, Hostel etc. and the proposal of handing over management of such Waqf property in favour of the management of Waqf Estate.

- (5) All objections or suggestions received in respect of proposed transaction shall be duly considered by the Board before passing order of sanction thereon, if necessary after holding an enquiry. In case of an enquiry a notice shall be given to the parties concerned to explained his case within 07 days.
- (6) The Mutawalli or Secretary of the Managing Committee whoever it may be shall get the draft of the deed prepared in duplicate for proposed sanction of any immovable property of Waqf and shall submit the same before the Chairperson/the Chief Executive Officer of the Board who shall put the same in the meeting of the Board for approval immediately thereafter to be held and the said draft and the proposal shall be approved by at least two third majority of the total number of members of the Board. After being approved by the Board, the Chief Executive Officer shall send one of the said drafts to the Mutawalli / Secretary.
- (7) Upon construction of such Hospital, School, Madarsa, Hostel etc. the management of the constructed institution will be handed over to the management of the Waqf Estate.
- (8). The Board may develop such property through such agency on the pattern of development by the Government as indicated above and the management and control of the Hospital, School, Madarsa, Hostel etc. will be handed over to the management of the Waqf Estate.

**48. Scheme of Management under Section 32 (2) (D).—**Within six months from the date of commencement of these Waqf Rules, the Auqaf save and except the Auqaf having their deed of Waqf (Waqifnama) by the Waqif shall frame the Scheme of Management as required under clause (d) of sub-section (2) of section 32 of the Act in Form 42 duly approved by the Board, failing which the District Minority Welfare Officer-cum-Waqf Nodel Officer or any other Officer authorized by the Board shall take over management and supervision of the Waqf institution and the District Minority Welfare Officer-cum-Waqf Nodel Officer shall take steps to frame the Scheme of Management within a period of 3 months from such take over. While approving the Scheme of Management, the Board shall ensure that the Scheme of Management is in consonance with the nature of Waqf.

**49. Selection/appointment of Mutawalli / Managing Committee under Section 32 (2)(g) .—**The Board shall appoint Mutawalli and constitute Management Committee of the Waqf Estate in complete adherence to the wishes of the Waqif and on framing of the Scheme of Management of Auqaf (Form 42) as per the framed provision in the Scheme of Management without any deviation in exercise of powers conferred under clause (g) of sub-section (2) of section 32 of the Act, as provided under Chapter V of these Rules.

**50. Manner of inquiry to be held by the Chief Executive Officer under Sub-section (1) of Section 39:-**

- (1) The Chief Executive Officer shall in every case where an inquiry is ordered under section 39, issue at the first instance a notice in Form 43 to all persons interested in relation to the Waqf, calling for their objections;
- (2) The Chief Executive Officer shall then proceed to hold a summary enquiry after considering the oral and documentary evidence produced by the parties and shall pass a speaking order.
- (3) The Chief Executive Officer, beneficiary or any person interested, thereafter, may file an application before the Tribunal directing for recovery of possession of such building or other place.

**51. The manner of inquiry under Section 40 :-**

- (1) The Chief Executive Officer may himself collect information regarding any properties for the purpose of Sub Section (1) of Section 40 or may receive any information from any person in form 44.
- (2) The inquiry under sub - section (3) of section 40 by the Chief Executive Officer shall be as laid down in sub-rule (2) of rule 50;
- (3) The authorized Officer after obtaining approval from the Board shall;
  - (i) Call upon the Trust or Society as the case may be to register any property as Waqf property in Form 45 or; issue a Show Cause notice in Form 46; and
  - (ii) The Chief Executive Officer on behalf of the Board shall take action to make necessary entries in Register of Auqafs, maintained under Section 37 of the Act, being an entry as per Section 40 of the Act.

**52. Auqaf registered before commencement of this Act:-** The Board in terms of Section 43 shall take action as provided in Rule-8 of this Rule to make necessary entries in the Government Revenue Records by writing to the competent Government Official in the form prescribed for the same and the Government Official will be under statutory duty to comply the same and make necessary entry in the Revenue Records specially Register-2.

**CHAPTER-V**  
**QUALIFICATION, APPOINTMENT, DUTIES &**  
**REMOVAL OF MUTAWALLI**

**53. *Qualification of Mutawalli:-*** Notwithstanding anything contained in the Waqfnama and the wishes of the Waqif, a Mutawalli or a Member of the Managing Committee of a Waqf institution shall generally possess the following qualifications; namely:-

(1) He shall be a person professing Islam acknowledging that there is but one God and Muhammed (PBUH) is his prophet;

(2) He shall be a major;

Provided that, in the case of Waqf Alal Aulad, if the Mutawalli is a minor, the guardian shall manage the Waqf on behalf of Mutawalli till the Mutawalli attains majority.

(3) He shall be of sound mind and capable of performing the functions and discharge the duties of Mutawalli;

(4) He should not have been convicted of any offence of criminal breach of trust or any other offence involving moral turpitude, and such conviction has not been reversed and he has not been granted full pardon with respect to such offence;

(5) He shall have working knowledge of Urdu and Hindi / English and administrative knowledge of management of Auqaf;

(6) He shall not have any direct or indirect interest in any subsisting lease/tenancy or in any contract made with, or any work being done for, or is in arrears of any due by him to the Waqf institution for which he is to be appointed as Mutawalli; and

(7) He shall not have violated or breached any provision of this Act, Rules and conditions during his earlier appointment:

Provided that, the qualifications referred to in the third proviso of sub-clause (i) of section 3 of the Act shall be as per the Deed of Waqf and provided that it is not repugnant to the tenets of Islam:

Provided further that, the aforesaid qualifications shall not be applicable with respect to an Administrator or the Muttawalli as prescribed in the Waqfnama of Waqf-Alal-Aulad property.

**54. *Appointment of Mutawalli or Managing Committees:-***

(1) The Board shall either appoint or approve the election / selection of Mutawalli or constitute Managing Committees under clause (g) of sub-section (2) of Section 32 on receipt of proposals forwarded in accordance with the respective mandate of the Waqif / Tauliat of the Waqfnama or the newly framed Scheme of Management of the Waqf Estate.

(2) Such Committees shall subsequently initiate process of constitution of succeeding Committee as per the approved Scheme of Management three months prior to the expiry of the term of the Committee and shall complete the entire process of constitution of succeeding committee within two months prior to expiry of the term of the Committee.



- (3) The District Auqaf Committee and the District Minority Welfare Officer-cum-Waqf Nodal Officer of the respective district shall supervise the process of appointment/constitution of succeeding Committee, preferably in a democratic manner, with regard to the constitution of Committees of the Waqf Estates of the respective District.
- (4) If, in the event of the existing Committee fails to initiate and complete the process for constitution of succeeding Committee within the time prescribed under sub-rule (2) of rule 52, the District Minority Welfare Officer-cum-Waqf Nodal Officer shall initiate such process within two months prior to the expiry of the term of the existing Committee and complete the process prior to the expiry of the term of the existing Committee mandatorily.
- (5) If for any reasons succeeding Committee is not constituted or appointed, the management and supervision of such Waqf institution shall automatically vest with the concerned District Minority Welfare Officer-cum-Waqf Nodal Officer or any other Officer authorized/duly appointed by the Board shall carry out duties and functions as delegated by the Bihar State Shia/Sunni Waqf Board(s). The District Auqaf Committee with the assistance of District Minority Welfare Officer-cum-Waqf Nodal Officer shall take action to get the succeeding Committee constituted within a period of three months.
- (6) After the formation of new Committee or after expiration of the term the old Committee shall cease to have any power or authority for management of such Waqf institution including operation of Bank Accounts.

**55. *Appointment of Mutawalli:-***

- (1) While approving the appointment / appointing the Mutawalli the Board shall have due regard to the mandate of Deeds of Waqf (Waqfnama), providing for appointment of Mutawalli, custom, usage pertaining to appointment / succession of Mutawalli.
- (2) If any person appointed as Mutawalli dies, or refuses to act in terms of the Waqfnama or is removed under this Act, or if the office of Mutawalli otherwise becomes vacant and the line of succession fails, the Mutawalli may be appointed out of those persons as per rule 53.
- (3) While approving the appointment on succession, the Board shall have regard to the following; namely:-
  - (a) The Board shall not disregard the directions/mandate of the Waqif;
  - (b) The Board should not appoint a stranger so long as there is any member of the waqif's family in existence qualified to hold the office; and
  - (c) Where there is a contest between lineal descendants of the Waqif and one who is not a lineal descendant the Board shall appoint the lineal descendant, if he is not otherwise disqualified to be appointed as Mutawalli and in such cases where the line of succession fails, the Board may in exercise of its discretion, appoint other Claimant as Mutawalli giving due consideration to the mandate and qualification given in the Waqfnama.

**56. Appointment of Mutawalli under Section 63:-** Notice regarding filling up of vacancy of Mutawalli:-

- (1) Whenever there is a vacancy in the office of the Mutawalli of a Waqf and there is no one to be appointed under the terms of the Deed of Waqf, the Chief Executive Officer or an Authorized Officer on his behalf shall, prior to final order, issue a Public Notice in Form 47 in respect of appointment of Mutawalli.
- (2) Whenever there is a vacancy in the office of the Mutawalli of Waqf and the right of any person to act as Mutawalli is disputed, such Notice shall be in Form 48.
- (3) After make an enquiry upon giving opportunity to the interested parties and record the depositions of the local witnesses and on such other facts, a Report in this regard be submitted to the Board giving detailed fact finding.
- (4) On consideration of the Report and other materials and the objection or public petition a reasoned order be passed in this regard by the Board.

**57. Duties of the Mutawalli/Managing Committee:-**

- (1) The Mutawalli or Managing Committee shall,-
  - (1) Take all steps to protect, preserve, maintain and manage the Waqf institution and its properties;
  - (2) Take steps to update records of Waqf institution and its properties as provided in these rules;
  - (3) Initiate proceedings in accordance with the provisions of the Act to recover the Waqf/Waqf properties under encroachment;
  - (4) Identify the Waqf property which has potential for development as an educational institution, hospital, shopping centre, market, housing or residential flats and the like including agriculture/horticulture and forward the proposal for development of the same, preferably through its own organizational apparatus, to the Board for its prior approval. The Board shall accord the approval in accordance with Act;
  - (5) Open and operate Bank Account in any nationalized bank for the purpose of management of the affairs of the concerned Waqf institution. In the absence of the nationalized banks, the Mutawalli shall obtain prior approval of the Chief Executive Officer to open account in other banks;
  - (6) The Bank interest accrued in these bank accounts shall be utilized for the needs of the destitute without expecting any reward and the transaction shall be accounted for;
  - (7) Shall furnish quarterly progress report together with income and expenditure details in Form 49; and
  - (8) Carry out all the duties as provided under the Act.

**58. Procedure regarding removal of Mutawalli U/ss. 64 and 71 of the Act -**

- (1) The Board may, either on an application received U/s 70 of the Act or on its own motion hold an enquiry/Inspection or authorize any officer of the Board or any person in its behalf to hold an inquiry into any matter relating to a Waqf and shall take such action as it thinks fit.

Provided that the application under Section 70 shall be in Form 69 accompanied by an Affidavit duly sworn by the Applicant alongwith payment of fee of Rs. 500/- (Rupees Five Hundred) only to the Board.

- (2) The Officer holding the enquiry shall be called as Enquiry Officer.
- (3) The Officer or person authorized by the Board U/s. 71 of the Act shall issue notice in Form 50 or as per requirement as incurred into and shall conduct enquiry in the following manner :

- (a) He shall call upon the person / persons concerned, parties interested in the enquiry or witnesses on a fixed date and place to appear before him in person or through an advocate and submit his reply in writing and produce documents if any , in his support and contention.

- (b) The summon for appearance in form 71 shall be served to person / persons concerned parties interested.

- (i) Through messenger or by post or by affixing the notice on some conspicuous part of his last known residence, by tendering to an adult member or servant of his family, by affixing the notice on any conspicuous part of the property encroached by him or subject to be inspected.

- (ii) By registered post with acknowledgement to the person / persons to whom it is intended.

Provided that when the person on whom the notice to be served is a minor, service upon his guardian or upon any adult member of servant of his family shall be deemed to be duly served on the minor.

- (iii). A copy of the notice shall also be exhibited on the notice board in the Board's Office or on the notice board of the Office of the authorized officer.

- (4) The Officer holding the enquiry shall give opportunity to all interested persons to be heard in the enquiry and shall give an opportunity to file written statements and to adduce such oral or documentary evidence as they may think fit.
- (5) The Enquiry Officer shall record the oral evidence of witnesses in its own handwriting in the prescribed Form 51 or in absence of the form in the language of the witness.

Provided where enquiry Officer is for any reason unable to record the evidence himself, he may direct his subordinate Officer or staff to record it in his presence and under his personal supervision.

- (6) For the purposes of any enquiry under the Waqf Act, the Board, the Chief Executive Officer of the Board or any Officer or a person duly authorised in this behalf, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 or enforcing the attendance of witness and production of documents.
- (7) The Enquiry Officer shall, as far as practicable, follow the provisions of the code of Civil Procedure, 1908 and the rules made thereunder in the matter of appearance of pleaders, return of documents and other matters while conducting the enquiry.
- (8) The Enquiry Officer may hold a Local Enquiry on the spot and inspect the Waqf Property, receive written statements of interested person / persons obtain documents and may record oral statements or the oath of

interested person / persons if he thinks fit and shall obtain signature of such persons.

- (9) During the enquiry or inspection if it appears that the concerned Muttawalli or any Officer or other employee is or was working under the Muttawalli has/had misappropriate or misapplied or has fraudulently retained any money or other Waqf Property or had incurred irregular, unauthorised or improper expenditure from the funds of the Waqf or of the Muttawalli or any person has caused damages of Waqf or has transferred the Waqf property in a mala fide way, the Enquiry Officer / Inspecting Officer shall determine and certify the amount of damage caused to the Waqf property.

Provided whenever any such Enquiry/Inspection is made, the concerned Mutawalli and all Officers and other employees working under him and every person connected with the administration of the Waqf shall extend to the Officer all help and assistance in conducting such enquiry/inspection and all facilities as may be necessary and required to carry out enquiry / Inspection shall be extended to him and shall also produce for inspection any movable property or document and any informant relating to the Waqf as may be required or called for, failing which Muttawalli / Secretary, Managing committee, other employee or any officer of the Waqf Estate shall be punishable under sub Section (1) of Section 61 of the Waqf Act, 1995.

- (10) The Enquiry / Inspection Officer may requisition for police force from the Local Police Station within whose jurisdiction by the place of Enquiry / Inspection is situate by a written request to the Officer In-charge and on such requisition, the Officer In-charge of the police station shall forthwith provide the police force for the smooth conduct of the enquiry or inspection.
- (11) The Enquiry Officer shall submit his report to the Board or to the Chief Executive Officer, as the case may be, within fifteen days from the date on which the enquiry is concluded. On receipt of the report from the Enquiry / Inspecting Officer the Chief Executive Officer of the Board, as the case may be, shall consider the same and after such further enquiry, as may be deemed necessary, shall pass an order which shall be treated as final.

**59. Appointment of Administrator:-** If it seems that no suitable person is available for appointment as a Mutawalli of the Waqf, a reasoned order based on the facts may be passed, as prescribed U/s. 65 assuming direct management of the Waqf Estate and the Board shall appoint the District Minority Welfare Officer-cum- Waqf Nodal Officer or any other competent person as administrator for the management of the day-to-day affairs of the Waqf Estate for a period of one year. The Administrator, so appointed, may be assisted by District Auqaf Committee on voluntarily basis.

Provided that the Bank accounts of such institutions shall be jointly operated by the Administrator and the District Minority Welfare Officer-cum-Waqf Nodel Officer of the District / any other official duly authorized by the Board.

Provided further, that the expenditure by the appointed Administrator out of the income of the property of the Waqf Estate shall be sanctioned / approved by the District Minority Welfare Officer-cum-Waqf Nodel Officer of the District / any other official duly authorized by the Board

**60. Annual Report of Auqaf under direct management of the Board:-** The report in Form 52 shall be sent by the Board to the State Government under sub-section (3) of section 65 on or before 30<sup>th</sup> June of the year which shall be examined within three months and the Government may give direction or instruction to the Board for its compliance and proper financial management of the Waqf Estate.

**60A. Manner to exercise power by the State Government U/s. 66:-** A reasoned Order for applying of Section 66 will first be passed by the Government as per the provision of Waqfnama or the Scheme of Management of any Waqf or any finding of the Court with regard to manner of appointment or removal of Mutawalli, as mentioned in Section 66 in consultation with the Bihar State Shia/Sunni Waqf Board(s) and thereafter the Government may proceed to make enquiry as per Section 64 of the Waqf Act as prescribed under the Rule 58 on the application filed under Section 70 after observing the conditions of Rule 71 and pass final Order.

Provided, that the power vested in the Bihar State Waqf Board(s) enshrined in Section 32 (2)(g) will generally be exercised except in the exigency and special circumstances only.

Provided further, that the wishes of the Waqif will be sacrosanct and there may not be any deviation from the mandate as enshrined in the Waqfnama / practice in use.

**61. Term of management and supersession of Management Committee and removal of its Members:-**

- (1) Any Committee functioning under sub Section (1) of Section 67 shall have a maximum term of three years unless it is superseded by the Board working in contravention of Waqf Deed or of the approved Scheme of management of the Waqf.
- (2) The Board shall issue Notice in Form 53 to a Committee against whom action is contemplated under sub-section (2) of section 67.
- (3) The Board shall issue Notice in Form 54 to Member of any Managing Committee proposed to be removed under sub-section (6) of section 67 of the Act;
- (4) The supersession Order under sub Section 2 of Section 67 shall be a reasoned Order after opportunity of hearing given to the Managing Committee proposed to be removed.
- (5) The Order passed by the Board under the provisions to sub-section (2) of Section 67 shall be published on the Notice Board of the concerned Waqf, District Auqaf Committee office, and office of the Bihar State Shia/Sunni Waqf Board(s) and shall also be served on concerned Managing Committee.

**62. Manner of consultation under Sub-section (1) of Section 69:-**

- (1) The Board shall issue a notice in Form 55 to the Mutawalli concerned and to every person interested in the Waqf and the Board shall also affix the said notice at a conspicuous place in the premises of the Waqf institution regarding the Scheme of Management/Administration, if not already framed under Rule 48 in the format of Form 42, to be framed under sub-Section (1) of section 69.
- (2) The Board shall examine the objections or suggestions to the Scheme of Management/Administration received in response to the notice under sub-Rule (1), may give an opportunity of being heard and accord approval to the Scheme of Management/Administration in Form 42 with such modifications as it may deem fit.



**CHAPTER-VI****LEASING, DEVELOPMENT AND RETRIEVAL OF WAQF PROPERTIES****63. *Leasing of Waqf Properties:-***

- (1) For the purpose of granting lease under Section 51 and Section 56 of the Act, the Mutawalli or the Board shall follow the Waqf Properties Lease Rules, 2014, as amended from time to time, failure of which shall render such leases null and void.
- (2) The Mutawalli of a Waqf Estate shall bring the existing Lease in respect of the Waqf properties in conformity with the Waqf Properties Lease Rules, 2014 within six months from the date of commencement of these Rules.
- (3) Application for grant of lease shall be filed in Form 56.
- (4) Lease for a period of less than one year shall be executed in Form No.57 and for a period of more than one year shall be executed in Form 58.

**64. *Development of Waqf Properties under Section 51 (1-A) :-***

- (1) The Board for the purpose of development of the Waqf properties as provided in the proviso to sub-section (1-A) of section 51 may adopt Scheme/operational arrangement with interested party; however the duration of such operational arrangement of development shall not exceed a period of 30 years.
- (2) No Right, Title, Interest in the Waqf property shall be created through the Lease Deed in such schemes of development. Any act of gift, sale, mortgage, exchange of the Waqf property through the lease deed will be void ab-initio.
- (3) While developing the property the mandate of the Waqif and purpose of Waqf shall be borne in mind by the Muttawalli as well as the Board.
- (4) The Board shall maintain absolute transparency while developing the Waqf property, which includes publishing the details of the property to be developed, details of scheme for development, and invite bids in leading national and regional newspapers inviting proposals from the interested parties and best possible offer of development on its purpose and financial benefit to the Waqf may be the factor of decision.
- (5) The property so developed shall not be used for purposes other than those already permitted by the Lease Agreement.

**65. *Procedure under Section 52 for recovery of Waqf Property:-***

- (1) The Chief Executive Officer of the Board shall address in Form 59 to the Sub-Registrar within whose jurisdiction any immovable Waqf Property is transferred in contravention of section 51.
- (2) On the requisition of the Chief Executive Officer of the Board, the concerned Sub-Registrar shall issue certified copies of the documents, as per the rules.
- (3) The Chief Executive Officer or any other Officer of the Board authorized by him shall verify the details of the property with reference to the records obtained under sub-rule (2) and proceed further to issue and serve notices to the transferor and the transferee in Form 60 & Form 60A.
- (4) The Chief Executive Officer shall prepare a Report in Form 61 and place it before the Board to proceed under sub-section (1) of section 51.
- (5) The Board shall if necessary, forward a requisition in Form 62 to the jurisdictional District Magistrate to pass necessary orders in exercise of

the power under the Waqf Act or any other law for recovery of the Property.

- (6) The Board shall if necessary forward a requisition in Form 63 to the jurisdictional District Magistrate to obtain and deliver the possession of the property so transferred in contravention of section 51 and 56. The District official to whom the requisition is sent will be under legal obligation for implementation of the Order as envisaged in Section 28 of the Act and will be part of the official duty.
- (7) The Waqf Board, beneficiary or any person interested in the Waqf may also file an application before the Waqf Tribunal, constituted under the Act, for a declaration of the Sale Deed / Transfer Deed to be void ab-initio and of no legal consequence under Section 51(1)(1-A).

**66. Procedure for purchase of immovable property by a Waqf under Section 53:-**

- (1) Any Waqf intending to purchase an immovable property shall make an application in Form 64 to the Board.
- (2) The Chief Executive Officer shall issue a Notification in Form No.65 under proviso to section 53 in respect of the proposed transaction;
- (3) The Chief Executive Officer shall place the proposal before the Board along with his report.
- (4) The Board shall examine the objections/suggestions, if any, received in response to such Notification and issue necessary orders within fifteen days.

**67. Procedure for eviction of Encroacher:-**

- (1) Notice to be issued to the encroacher under sub-section (1) of section 54 shall be in Form 66, and shall be served through messenger and by registered post or by a recognized courier service or by affixing a copy thereof in some conspicuous part of the house premises if any, in which the defendant is known to have last resided or carried on business or personally worked for gain, or in such other manner as the Authority thinks fit at his last known residence, or by tendering to an adult member or servant of his family or by affixing the notice on any conspicuous part of the property encroached by him; or in such manner as the authority deems fit.
- (2) The Chief Executive Officer after compliance of the procedure of service of notice under sub-rule (1) above, conduct a summary inquiry and after hearing the parties may pass an order assigning his findings against the encroacher and thereupon file an application before the Waqf Tribunal for grant of "Order of Eviction".
- (3) After notice / opportunity of being heard against the proposed encroacher, the Waqf Tribunal, upon finding correctness in the proposal of the Chief Executive Officer may grant an Order of Eviction in favour of the Waqf Board.
- (4) For the purpose of sub-section (5) of section 54 of the Act, the Chief Executive Officer or any authorized Officer of the Board may refer the "Eviction Order" of the Waqf Tribunal to the Executive Magistrate of the local area in Form- 62 for appropriate action and after taking police assistance, as may be necessary, evict the encroacher as per Section 55 of the Waqf Act.

- (5) The District Magistrate, Additional District Magistrate or Sub Divisional Magistrate or the Executive Magistrate will be under liability to assist the Chief Executive Officer or any authorized Officer of the Board in execution of the Eviction Order or grant of police assistance. The District official to whom the requisition is sent will be under legal obligation for implementation of the Order as envisaged in Section 28 of the Act and will be part of the official duty.

**68. Procedure for removal of encroachment of Waqf property by Executive Magistrate:-**

- (1) The Chief Executive Officer shall forward an application in Form 67 to the jurisdictional Executive Magistrate under section 55 for removing the encroachment in respect of which an order under sub-section (4) of section 54 has been passed.
- (2) The Executive Magistrate shall pass an order in Form 68 to remove the encroacher.
- (3) After the passing of an Order by the Executive Magistrate, a prompt action of eviction of the encroacher is to be enforced and information of eviction and handing over possession of the encroached property to the Muttawalli, Secretary of the Committee or the person interested be informed to the Chief Executive Officer of the Board.

**69. Affixture of orders made under Section 67 or Section 69:-** Every order made under Sub-section (2) of Section 67 or sub-section (2) of section 69 shall be passed after affording an opportunity of hearing to the Waqf Committee showing the ground and allegations and the Order shall be affixed at the office of the Bihar State Shia/Sunni Waqf Board(s), the office of the District Auqaf Committee, any conspicuous place of Waqf institution and a copy thereof shall also be sent to the Mutawalli of the Waqf concerned.

**70. Application for Inquiry under Section 70 of the Act:-** An application under section 70 shall be filed in Form 69 accompanied by an affidavit along with a fee of Rs.500/- (Rupees Five Hundred only) remitted to the Bihar State Shia/Sunni Waqf Board by Cash/Demand Draft/Postal Order and shall furnish as many sets of application along with the annexures and duly stamped envelopes as required. Non compliance will render the application incompetent for any consideration.

**71. Procedure for Inquiry under Section 71 of the Act:-**

- (1) The Board or any person authorized by the Board to hold an inquiry under section 71, shall preliminary send a copy of the allegations made against the person in the management of Waqf by issuing a Notice in Form No.70 and obtain its explanation on each of the allegations.
- (2) If the Board or the person authorized remain unsatisfied with the explanation given by the person in the management of the Waqf may take up full-fledged inquiry as per Rule- 58 upon issuing Form- 50 to the Muttawalli / person in the management of the Waqf and complete the inquiry.
- (2) The complainant shall furnish required sets of copies of the complaint and the documents relied upon together with duly stamped postal covers.
- (3) The said inquiry shall be held in the manner specified under sub-rule (2) of rule 58.
- (4) The Inquiry Officer whenever required shall issue summons in Form 71 for enforcing the attendance of witnesses and production of documents.
- (5) The report of inquiry shall be placed before the Board for taking further action.

**CHAPTER-VII****AUDIT, FINANCES OF THE WAQF INSTITUTIONS AND THE BOARD**

**72. Budget of Waqf institution under the management of Mutawalli/ Managing Committee:-** Every Mutawalli/Managing Committee of a Waqf institution shall prepare the Budget of the institution every year in Form 72 and submit to the Board for approval within 3 months before the end of financial year.

**73. Budget of Waqf Institutions under Direct Management of the Board:-**

- (1) All the Waqf institutions under direct management shall maintain the books and registers for maintenance of its accounts as prescribed in rule 74(1).
- (2) The Budget for all the Auqaf under direct management of the Board shall be prepared for the next ensuing financial year by the December of the current financial year.
- (3) The Chief Executive Officer shall prepare the list of all the Auqaf under the direct management of the Board for which Budget for the ensuing financial year is to be prepared under sub-rule (2) in the month of October of the current financial year in Form 73.
- (4) Thereupon the Chief Executive Officer shall direct each of the Administrators of the Auqaf under direct management in Form No.74 to furnish the Budget in respect of ensuing financial year by the end of November.
- (5) The Chief Executive Officer shall get the Budget prepared under Sub-section (1) of section 45 in Form 72 and 75 with all the details of estimated receipts and expenditure for the next financial year.
- (6) The Budget so prepared shall have a statement furnishing details of the increase, if any, in the income of the Waqf during the current year and also the steps taken for its better management and results obtained in Form 75.

**74. Statement of Accounts by Auqaf:-**

- (1) Every Mutawalli or Managing Committee of a Waqf shall maintain the following Books and Registers for maintenance of its accounts:
  - (i) Cash Book in Form 76;
  - (ii) Receipt Book in Form 77;
  - (iii) Register of Demand, Collection & Balance of Waqf Contribution in Form 78;
  - (iv) Register of Golak collection in Form 79;
  - (v) Register of Rents in Form 80;
  - (vi) Register of Book of Inspection in Form 81;
  - (vii) Register of Meeting in Form 82;
  - (viii) Minutes Book in Form 83;
  - (ix) Register of Loans in Form 84;
  - (x) Register of Grants in Form 85;
  - (xi) Register of Security Deposits in Form 86 & Register of accrued interest in Form 86(A);
  - (xii) Register of Investments in Form 87;
  - (xiii) Register of Litigation in Form 88;
  - (xiv) Register of Stock and utilization in Form 89; and
  - (xv) Any other Register as prescribed from time to time by the Board.

- (2) The statement of accounts shall be furnished by every Mutawalli or Managing Committee of a Waqf in Form 90.
- (3) If a Mutawalli or Managing Committee fails to submit statement of accounts before 1st of July of the year, a Notice in Form 91 shall be issued within seven days from that date.
- (4) If the Mutawalli or Managing Committee fails to submit the statement of accounts, action under section 61 shall be initiated.

**75. Report of Audit:-**

- (1) The Mutawalli/Managing Committee of every Waqf institution whose annual income is more than Rupees One lakh shall get the accounts scrutinized/audited by the Chartered Accountant and furnish report to the Board on or before 30th June every year.
- (2) Internal audit of the Waqf institutions by the Auditor appointed by the Board shall be taken up category wise and periodically in the following; namely:-
  - (a) Waqf institutions with net annual income of above Rupees One Lakh annually;
  - (b) Waqf institutions with net annual income above Rupees Fifty Thousand and below Rs. One Lakh once in three years; and
  - (c) Such internal audit report shall be in Form 92;
- (3) The Chief Executive Officer shall finalize and publish the annual program of audit in Form 93.
- (4) The Board may prepare panel of Auditors and send the same to the State Government.
- (5) A notice shall be issued to every Waqf institution fifteen days in advance before the audit is taken up in Form 94.
- (6) If the Mutawalli/Managing Committee fails to produce the records to the auditor, action under section 61 shall be initiated against the Mutawalli.

**76. Notice under Section 48 (1) of the Act:-** A Notice in Form 95 shall be issued for obtaining an explanation from the Mutawalli/Managing Committee/Administrator under sub-section (1) of section 48.

**77. Recovery of Sums due:-**

- (1) The Board shall issue a Demand Notice in Form 96 for the collection of any sum certified to be due from any person by an auditor in his report under section 47;
- (2) The Board shall issue a Notice in Form 97 to give an opportunity of being heard under sub-section (2) of Section 49 before issuing a Certificate of Recovery of the said amount as arrears of land Revenue;
- (3) The Board shall issue a Certificate of Recovery in Form 98 addressed to the District Magistrate of the district concerned in which the defaulter is residing to recover the amount due under Section 34 and 49 to be recovered under law.
- (4) The District Magistrate shall on receipt of such Certificate issue a Certificate under the Bihar & Odisha Public Demands Recovery Act, 1914 collected as arrears of land Revenue.



**78. Demand and Recovery of Waqf Contribution:-**

- (1) The Mutawalli/Managing Committee shall furnish to the Chief Executive Officer of the Board or authorized persons in this behalf, the statement indicating the net annual income of the Waqf and the contribution payable in Form 99 before 1st of June every year.
- (2) The District Minority Welfare Officer-cum-Waqf Nodel Officer/Waqf Inspector concerned shall verify the said assessment and fix up the actual demand for payment of Waqf contribution at the rate of seven percent by 15th June and maintain a Register of Demand, Collection and Balance, in Form 100.
- (3) The Bihar State Shia/Sunni Waqf Board(s) shall maintain a Demand Register based on the assessment made and approved by the District Minority Welfare Officer-cum-Waqf Nodel Officer and also keep a copy of demand prepared by each of the District Minority Welfare Officer-cum-Waqf Nodel Officer with reference to each Waqf institution, in Form 101.
- (4) A Register of Demand for the District shall be maintained by the District Minority Welfare Officer-cum-Waqf Nodel Officer/Waqf Inspector concerned in Form 102.
- (5) Every Mutawalli/Managing Committee who defaults to pay the Waqf contribution shall be issued with a Notice regarding the payment of Waqf contribution in Form 103.
- (6) If the Mutawalli/Managing Committee fails to pay the amount demanded under Sub-Rule (5), action shall be taken to recover the same as arrears of Land Revenue under sub-rule (3), of rule 77.
- (7) In the event of the Mutawalli/Managing Committee failing to submit the details under sub rule (1), the Chief Executive Officer or any other Officer authorized in this behalf shall assess the net annual income in the manner prescribed under sub-rule (2), and determine the Waqf contribution payable by the said Waqf.
- (8) The Chief Executive Officer or any Authorized Officer, if needed, shall revise the annual income after issuing a Notice to the Mutawalli/Managing Committee in Form 104.
- (9) The Chief Executive Officer or Authorized Officer shall issue Notice in Form 105 for the purpose of sub-section (8) of section 72 to the Mutawalli.

**79. Chief Executive Officer to lodge complaint:-** The Chief Executive Officer shall lodge a complaint before the jurisdictional Police of the Bank concerned in respect of an offence under sub section (4) of section 73.

**80. Register of Waqf Fund and its Expenditure:** The Board shall maintain the following registers for realization and expenditure on monies received to the Waqf fund,-

- (a) Register of Donations shall be in Form 106;
- (b) Register of Income from Court fee shall be in Form 107;
- (c) Register of Waqf Contribution under Section 72 shall be in Form 108;
- (d) Register of Investments shall be in Form 109;
- (e) Register of Expenditure shall be in Form 110;
- (f) Cash Book for Waqf Fund shall be in Form 111; and
- (g) Register of interest accrued on all accounts maintained by the Board shall be in Form 111 A.

Provided that the interest accrued in these bank accounts shall be utilized for the needs of the destitute transparently without expecting any reward and the transaction shall be accounted for.

**81. Form of Budget of the Board:-** Annual Budget of the Board for the next financial year to be prepared under sub-section (1) of section 78 shall be in Form 112 and shall be prepared by the end of January of the current financial year.

**The Budget shall contain the following statements:**

**I. Statement of Receipts in Form No.112A,-**

- (i) Statement of Demand of Waqf Contribution shall be in Form 112A(i);
- (ii) Statement of Maintenance Grants shall be in Form 112A(ii);
- (iii) Statement of Rents received shall be in Form 112A(iii);
- (iv) Statement of other grants shall be in Form 112A(iv);
- (v) Statement of interest on Deposits in Banks shall be in Form 112A(v);
- (vi) Statement of Honorarium to Pesh Imam and Moazzin shall be in Form 112A(vi); and
- (vii) Statement of grant received by the Board for the purpose of payment of maintenance to the Muslim women under clause (g) of sub-section (4) of section 77 of the Act shall be in Form 112A(vii)

**II. Statement of Expenditure in Form No.112B,-**

- (i) Statement of salaries and other allowances to the Officers and staff of the Board shall be in Form 112B(i);
- (ii) Statement of honorarium, sitting fee and other allowance to the Chairperson and Members of the Board and Chairmen and Members of the District Auqaf Committee shall be in Form 112B(ii);
- (iii) Statement of expenditure incurred by the District Auqaf Committees shall be in Form 112B(iii);
- (iv) Statement of expenditure on contingencies of the Board shall be in Form 112B(iv);
- (v) Statement of expenditure incurred for preservation and protection of Waqf Properties shall be in Form 112B(v);
- (vi) Statement of Honorarium to Pesh Imam and Mouzans shall be in Form 112B(vi); and
- (vii) Statement towards payment of maintenance to the Muslim women under clause (g) of sub-section (4) of section 77 of the Act shall be in Form 112B(vii).

**CHAPTER-VIII****CONSTITUTION OF TRIBUNALS, ETC.**

**82.** The State Government shall provide grants and all other facilities for the smooth functioning of the Tribunals. The Chairman will have authority to utilize the funds as per the requirement of the Tribunal(s).

**83. *Appointment of Members and functioning of Tribunals:-***

- (1) The Government of Bihar shall in consultation with the Patna High Court appoint or depute one person as Chairman to the Tribunal having qualification prescribed under clause (a) of sub-section (4) of Section 83 holding rank of District, Sessions or Additional Sessions Judge having knowledge of Urdu language.
- (2) The State Government shall appoint or depute one person as Member to the Tribunal having qualification prescribed under clause (b) sub-section (4) of section 83 not below the rank of Additional District Magistrate who is having knowledge of Urdu language for a term of maximum period of three years.
- (3) The State Government shall appoint or depute one person as Member to the Tribunal having qualification prescribed under clause (c) of sub-section (4) of section 83 having Degree / Certificate from any of the recognized Islamic Centre / Universities who shall not be below the rank of Mufti / Qazi / Assistant Professor or a practicing Advocate having at least 20 years of practice having certificate of specialization in Islamic jurisprudence for a term of maximum period of three years.
- (4) For removal of any doubts, at any given time, the vacancy of the Members of the Tribunal is not filled or any Member(s) other than the Chairman remains absent, the Chairman of the Tribunal shall be competent to function and pass orders.
- (5) The members under sub Section 4(b) & (c) of Section 83, if do not agree to the judicial decision of the Chairman, they may write their separate opinion which will form part of the order / judgment.
- (6) The salary, allowances and service conditions of the Executive Member shall be as admissible in their respective departments. They are also entitled to deputation allowance as per the Bihar Civil Service Rules.
- (7) The salary, allowances and service conditions of the member having knowledge of Islamic Theology shall be as determined by the Government from time to time, which will be generally at par with the Executive Member's scale.
- (8) The State Government shall appoint such number of staff which is commensurate with the requirement of the Tribunal.

**84. *Language of Tribunal:-*** The working language of the Tribunal shall be English, Urdu and Hindi. However, the final judgment shall be in English.

**85. *Form of Applications/Suits/Appeals:-***

- (1) All applications to be filed before the Tribunal under the provisions of the Act including applications for determination of any dispute, question or other matter under sub-section (1) of section 83 shall be filed in Form 113.

- (2) Every plaint or memorandum of appeal to be filed before the Tribunal shall be in the Form as has been prescribed in the Code of Civil Procedure and Civil Rules of Practice.
- (3) Every such Application, Suit or Appeal shall be presented in person, or by his duly authorized agent or advocate, before the registry of the Tribunal.

**86. Form of Application/Plaint/Appeal for Interim Orders:-** Prayer for interim Orders in every Application (Eviction / Miscellaneous / Interlocutory Application / Execution / Intervention), Suit, Appeal or other proceeding before the Waqf Tribunal shall be supported by an affidavit.

**87. Court fee:-**

- (1) Every Application (Eviction / Miscellaneous / Interlocutory / Execution / Intervention), Plaint or Memorandum of Appeal or other Application, which is connected with public property and public charity, shall be accompanied by a Court fee of Rs. 250/-.
- (2) Unless the fee as specified is deposited, no notice, summons or other process of the Waqf Tribunal shall be issued, and no such certified copies of orders, documents or other records shall be granted.

**88. Scrutiny of Application, Plaint, and Memorandum of Appeals:-**

- (1) In every proceeding before the Tribunal copies of Application (Eviction / Miscellaneous / Interlocutory Application / Execution / Intervention), Plaint or Memorandum of Appeal shall be filed in sufficient numbers, for service to the Waqf Board(s) and the opponents.
- (2) The Office of the Tribunal shall after scrutiny of the Eviction Application, Miscellaneous Application, Plaint or Memorandum of Appeal prepare a check list noting the infirmities for rectification.
- (3) If on scrutiny the Application, Plaint or Appeal is found to be in order, it shall be duly registered in the register of Application or Suits or Appeals, as the case may be, in the Form prescribed in Civil Court Rules and assign a case number.
- (4) If the Application, Suit or Appeal is found to be defective, the Registry shall allow the party to rectify the defects within a time to be specified by him. If the party fails to rectify the defects within such time allowed, the Registry shall place the matter before the Waqf Tribunal for appropriate orders.
- (5) The Sheristedar/Registrar/Oath Commissioner is competent to administer oath of affirmation.

**89. Documents:-**

- (1) All documents produced before the Tribunal at the time of filing or in the course of hearing of an Application, Suit or Appeal shall be filed duly indexed along with Annexures of documents.
- (2) Such documents should be legible and in the typed form if required.
- (3) If the document filed is in a language other than that of English, its translation in English may be furnished if so directed by the Tribunal.

**90. Service of Notices:-** Every notice to Defendants/Respondents in Application/Suit/ Appeal shall generally be sent and served through Registered Post Acknowledgement Due or through recognized courier. Service of Notice on the Board(s) be served through their Retainers and in their absence, through Dasti Service. Dasti service of Notice can be permitted on other defendants if there is an urgency in hearing and/or for an order under Order XXXIX of the Civil Procedure Code.

If the Tribunal is satisfied that the defendant/respondent is avoiding service of such notice or where such notice cannot be served in ordinary manner for any other reason, the Tribunal shall order service of notice through Dasti Service by an employee of the Tribunal or otherwise may order for service of Notice as per the provisions of Order V, Rule 20 of Code of Civil Procedure, 1908.

**91. Sitting of the Tribunal:-** The Tribunal shall ordinarily hold its sitting on every working day from 10:30 am to 1:00 pm and from 2:00 pm to 4:45 pm.

**92. Hearing and Disposal:-** Every Application (Eviction / Miscellaneous / Interlocutory Application / Execution / Intervention) filed before the Tribunal shall be heard and disposed off in a summary manner as prescribed under Civil Court Rules and every Suit or Appeal filed before the Tribunal shall be heard and disposed off in accordance with the procedure prescribed for hearing Suits and Appeals in the Code of Civil Procedure, 1908.

**93. Certified copies:-** Certified copies of any Order, Judgment, Decree, Proceeding, Application, Plaint, Appeal or Document marked as Exhibits may be obtained by the parties to the proceedings on payment of such fee as specified by the Government. The provisions of Part-IV of the Civil Court Rules shall apply for issue of the certified copies.

**94. Execution of orders of the Tribunal under Section 83:-** A party to the proceeding seeking enforcement of any decision of the Tribunal, except Orders passed under sub-section (4) of section 54 of the Act, shall apply to the Tribunal along with a certified copy of the Decree / Order for its execution and the same shall be executed as per sub-section (5) of section 83 of the Act and in case of situation as described in Section 39 of the Code of Civil Procedure, the decision of the Tribunal may be sent to the Civil Court of competent jurisdiction for its execution as per sub Section (8) of Section 83 of the Act and the same may be executed as per provisions of Order XXI of the Code of Civil Procedure.

**95. Forms of Waqf Tribunal:-** All the Forms prescribed in this Rule and the Civil Court Rules shall be used by the Tribunal.

**96. Dress Code:-** A Legal Practitioner shall appear before the Tribunal in their professional dress; as prescribed by the State Bar Council from time to time.

**97. Form of Receipt for Court fee etc:-** The Tribunal shall issue a Cash receipt in Form 114 in respect of money collected by it under the Act or the Rules.

**98. Limitation :-** Any person aggrieved by any decision or order passed by the Board in exercise of its powers under the Act, Rules and Regulations, may prefer an Application or Appeal, as prescribed, to the Tribunal within ninety days from the date of Decision or Order in matters where no time limit for preferring an Application or Appeal before the Tribunal is prescribed under the Act.

Provided, that the Tribunal may condone the delay in filing the Application or Appeal, if sufficient reason is shown in filing the Application, Suit or Appeal.



**CHAPTER-IX****MISCELLANEOUS MATTERS****99. *General Annual Report of the Board:-***

- (1) The Government shall as soon as may be after the first day of April in every year cause the General Annual Report of the Board to be prepared in two parts in Form No.115. Part I of the report shall be the report regarding the particulars referred to therein, and Part II shall contain the statistical data in the Forms specified therein.
- (2) The report shall be finalized before the 1st of July every year.
- (3) The main points to be dealt with shall be noted against the heads concerned in the Report and all necessary information regarding sanctions etc., should be included in the report which should be comprehensive.
- (4) Soon after the receipt of the report, the Government shall issue a consolidated review on the said report after placing it before the State Legislature.

**100. *“Repeal and Savings”:-***

- (1) The Bihar Waqf Rules, 2002 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

Provided that such repeal shall not affect the previous operation of that corresponding law and subject thereto, anything done or any action taken in the exercise of any power conferred by or under the corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under these rules as if these rules were in force on the day on which such things were done or action was taken.

**By Order of the Governor of Bihar ,**  
**Madan Lal,**  
***Under Secretary to Government.***

(Form prescribed for Survey of Waqfs under the Waqf Act, 1995 and the Bihar Waqf Rules, 2019)

**FORM – 1**

(See Rule 4)

(Details of Survey in respect of each Waqf Institution by the Survey Commissioner)

<b>1. NAME OF THE WAQF</b>			
<b>2. LOCATION OF THE Waqf</b>			
District	Sub Division	Circle No.	Sl. No.
<b>3. DETAILS OF Waqf</b>			
Sunni/Shia	Creation of Waqf institution		Date: Year
<b>4. DETAILS OF WAQF DEED/DEEDS</b>			
(a) Name of the person dedicating the property			
(b) Witnesses			
(c) Beneficiaries, if any			
(d) (If hereditary)			
Name of the Mutawalli			
<b>5. DESCRIPTION OF IMMOVABLE PROPERTIES</b>			
(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)			
(2) Area/Dimension			
(3) Village/Town/City			
(4) Boundaries: North : South : East : West :			
(5) Value			
<b>6. ADDITIONAL PROPERTIES ACQUIRED AFTER LAST SURVEY</b>			
(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)			
(2) Area/Dimension			
(3) Village/Town/City			
(4) Boundaries: North : South : East : West :			
(5) Value			
<b>7. DETAILS OF MOVABLE PROPERTIES</b>			
(1) Shares and Deposits/Securities			
(2) Gold/Silver and other valuables			
(3) OTHER SOURCES: (a) Golak/Hundi (b) Monthly Contribution (c) Miscellaneous Income			
<b>8. INCOME OF THE WAQF INSTITUTION</b>			
(1) Immovable (2) Movable (3) Other Sources (4) Total			
<b>9. DETAILS OF ADMINISTRATION</b>			
(1) By Custom/Usage (2) By Scheme settled by Court (3) Scheme of Administration Approved by the Board.			
<b>10. DETAILS OF LEASE OF THE WAQF PROPERTY</b>			
(1) Period : From To			
(2) Name of the Lessee			
(3) Purpose of the Lease			
(4) Annual Income			
(5) Advance or donation, if any			
(6) Remarks			
Signature of Mutawalli		Signature of Waqf Officer/Waqf Inspector      Signature of Officer Conducting Survey	
<b>11. ADDITIONAL DETAILS/INFORMATION, IF ANY</b>			

(Name and signature of the concerned

**Form-2***(See Rule-6)***GOVERNMENT OF BIHAR****Bihar Government Secretariat, Department of \_\_\_\_\_, \_\_\_\_\_, Patna.****NOTIFICATION**

In exercise of the powers conferred under Section 5(2) of the Waqf Act, 1995, as amended by Waqf (Amendment) Act, 2013 (27 of 2013), the Government of Bihar in \_\_\_\_\_ Department hereby notify the following as Waqf properties duly surveyed by the \_\_\_\_\_ of Survey of Auqaf, the Survey Commissioner \_\_\_\_\_ and verified by the Bihar State Shia/Sunni Waqf Board(s) in letter No. \_\_\_\_\_ dated: \_\_\_\_\_.

Name of the District: \_\_\_\_\_ Village: \_\_\_\_\_

Si No.	Name & address of the institution	Sunni or Shia	Location and details of Waqf Property				Year of creation of Waqf/ Registration No. & Date
			City / Town / Village	(1) Mouza / Revenue Thana / Circle / Khata No. / Khesra No. (Old/New)	Extent.	Boundaries	
1	2	3	4	5	6	7	8

Name & Address of Waqf	Beneficiaries, if any.	Object of Waqf	Gross income of Waqf.	Administration by custom / hereditary or scheme settled by Court or Board.	Scheme approved by the Board.	Deleted or modified from earlier notification No. & Date.
10	11	12	13	14	15	16

**Form 3***[ See Rule 8 (1) (b) ]***Application for Updating of Records of Waqf properties**

To,

The Circle Officer of \_\_\_\_\_ of Circle Office/Commissioner of Corporation/Executive Officer of Municipality/ Secretary of Gram Panchayath of \_\_\_\_\_

It is hereby requested that the records of the properties indicated below be updated under Rule 7 of Bihar Waqf Rules, 2019.

- Name of the Waqf :
- Registration No. & Date if any :
- Notification No. & Date if any :
- Details of the Waqf Property :
  - Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)
  - Property No. :
  - Extent (In acres/Sq.ft) :
- If property is Waqf by user : period of usage to be indicated
- If acquired by Sale/Gift/Hiba : the document No./Deed No.
- Name of the Institution in favour of which : Along with the name of Institution the word the records are to be updated "Waqf property" may be inserted
- Name and address of the Mutawalli or name of : the authorized person to sign the notices etc.,
- Any other relevant information :
- List of documents :

(Name &amp; Designation and Signature of the Applicant)

Received Application No. \_\_\_\_\_ date \_\_\_\_\_ from \_\_\_\_\_  
regarding updating of records of \_\_\_\_\_ Waqf Institution along with enclosures on \_\_\_\_\_ (date).

**Signature of the concerned authority**

**Form No.4***[See Rule 8 (3) (a)]***Register of Immovable Property**

Name of the District \_\_\_\_\_ Circle No. \_\_\_\_\_ City/Town \_\_\_\_\_  
 Village \_\_\_\_\_

Sl. No	Name and address of the Waqf	Nature of property	Acquired through (Name of the Waqif and date to be indicated)				(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No. (Old/New)
			Deed of Gift/ Hiba.	Grant	Purchased	Others	
1	2	3	4	5	6	7	8

Extent.	Valuation	Registration No. & Date by Board.	Notification No. & Date by Board.	Name of the Khatedar	Annual Income	Details of acquisition / grant / disposal by Court
9	10	11	12	13	14	15

**Signature of the Mutawalli/ Managing Committee**

**Form No.5***[See Rule 8 (3) (b) ]***Register of Moveable property**

Name of the District: \_\_\_\_\_ Name of the Circle : \_\_\_\_\_

Sl. No.	Name & address of the Waqf	Description of Movable property	Name of the Donor	Date of Purchase/ donated	No./Value	Bill No. & date
1	2	3	4	5	6	7

Condition of the movable property	Income from movable Property, if any	Order & date declared as obsolete	Date of action & sale proceeds in Rs.	Remarks
8	9	10	11	12

Dated:

**Signature of the Mutawalli/ Managing Committee**

**Form No.6***[ See Rule 8 (3) (c) ]***Register of Leases**

Name of the District: \_\_\_\_\_ Name of the Circle: \_\_\_\_\_

Sl. No	Name & address of the Waqf	Particulars of property	Purpose of lease	Date of issue of pamphlets/paper notification	Name & address of the lessee
1	2	3	4	5	6

Period of lease	No. & date of lease deed registered	Monthly Rent	Date of Commencement of lease	Date of Expiry of lease	Date of approval of Board/Govt. for leases over 1 year	Remarks
7	8	9	10	11	12	13

Dated: \_\_\_\_\_

Signature of the Mutawalli/ Managing Committee

**Form No.7***[ See Rule 8 (3) (d) ]***Register of properties developed**

Name of the District: \_\_\_\_\_ Name of the Circle: \_\_\_\_\_

Sl. No	Name & address of the Waqf	Details of property developed	Name of the scheme under which developed PPP/BOAT/ NAWADCO/others	Name & address of the developer/Board/Institution	Period of lease Given to developer	Date of approval of Govt.
1	2	3	4	5	6	7

Amount invested by the developer /Board/ Institution	Monthly Rental income	Date of Commencement of lease/ project	Date of Expiry of lease/ project	Security deposit	Date of receipt	Monthly rentals	Remarks
8	9	10	11	12	13	14	15

Signature of the Mutawalli/ Managing Committee



**Form No. 8**

(See Rule 8(3)(e))

**Register of details of Waqf properties acquired for public purposes**

Name of the District: \_\_\_\_\_ Name of the Circle: \_\_\_\_\_

Sl. No	Name & address of the Waqf	Details of property acquired			Purpose of Acquisition	Compensation determined
		Name of the Village / Town	(1) Mouza / Revenue Thana / Circle Khata No. / Khesra No. (Old/New)	Extension in Acre / Sq. Ft.		
1	2	3	4	5	6	7

Date & amount paid	Name of the Court & date the compensation deposited	Whether appeal for enhancement has been made	Date of settlement of dispute/ appeal	Enhanced compensation received	Date of reinvestment for the same object	Remarks
8	9	10	11	12	13	14

**Form No.9**

[See Rule 8 (6)]

**Register of Immovable Properties of Auqaf in the Waqf Register**

Name of the District: \_\_\_\_\_

Sl. No.	Name of the Circle	Name and address of the Waqf	Nature of property	Acquired through (Name of the Waqf and date to be indicated)				(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No. (Old/New)
				Deed of Gift/ Hiba	Grant	Purchased	Others	
1	2	3	4	5	6	7	8	9

Extent	Valuation	Registration No. & Date by Board	Notification No. & Date by Board	Name of the Khate dar	Annual Income	Details of acquisition/grant/disposal by Court
10	11	12	13	14	15	16

Dated: \_\_\_\_\_

Signature of the Waqf Officer, .

**Form No.10***[ See Rule 8 (6) ]***Register of Movable properties of Auqaf**

Name of the District: \_\_\_\_\_

Sl. No	Name of the Circle	Name and address of the Waqf	Description of movable property	Name of the donor	Date of Purchase/ donated	No./ Value
1	2	3	4	5	6	7

Bill No. & date	Condition of the movable property	Income from movable Property, if any	Order & date declared as obsolete	Date of action & sale proceeds in Rs.	Remarks
8	9	10	11	12	13

Dated: \_\_\_\_\_

Signature of the Waqf Officer. \_\_\_\_\_

**Form No.11***[ See Rule 8 (6) ]***Register of Leases of Waqf properties**

Name of the District: \_\_\_\_\_

Sl. No.	Name of Circle	Name and address of the Waqf	Particulars of property	Purpose of lease	Date of issue of pamphlets/ paper notification	Name & address of the lessee	Period of lease
1	2	3	4	5	6	7	8

No. & date of lease deed registered	Monthly Rent	Date of Commencement of lease	Date of Expiry of lease	Date of approval of Board/Govt. for leases over 1 year	Remarks
9	10	11	12	13	14

Dated: \_\_\_\_\_

Signature of the Waqf Officer. \_\_\_\_\_

**Form No.12***[ See Rule 8 (6) ]***Register of properties developed**

Name of the District: \_\_\_\_\_

Sl. No.	Name of the Circle	Name & address of the Waqf	Details of property developed	Name of the scheme under which developed PPM/ NAWADCO / others	Name & address of the developer/ Board/ Institution	Period of lease Given to developer	Date of approval of Govt.
1	2	3	4	5	6	7	8

Amount invested by the developer /Board / I institution	Monthly Rental income	Date of Commencement of lease/ project	Date of Expiry of lease/ project	Amount received in Rs.			Remarks
				Security Deposit	Date of receipt	Monthly rentals	
9	10	11	12	13	14	15	16

**Form No.13***[ See Rule 8 (6) ]***Register of details of Waqf properties acquired for public purposes**

Name of the District: \_\_\_\_\_

Sl. No	Name of the Taluk	Name & address of the Waqf	Details of property acquired			Purpose of Acquisition	Compensation determined	Date & amount paid
			Name of the Village /Town	(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No. (Old/New)	Extent in Acre/ Sq.ft			
1	2	3	4	5	6	7	8	9

Name of the Court & date the compensation deposited	Whether appeal for enhancement has been made	Date of settlement of dispute/ appeal	Enhanced compensation received	Date of reinvestment for the same object	Remarks
10	11	12	13	14	15

**Form No.14***[See Rule 8 (8)]*

**Register of Immovable Properties of Auqaf in the Bihar State Shia/Sunni Waqf Board(s)**  
**Name of the District** \_\_\_\_\_

Sl. No	Name of the Circle	Name & address of the Waqf	Nature of property	Acquired through (Name of the Waqf and date to be indicated)				(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No. (Old/New)
				Deed of Gift/ Hiba	Grant	Purchased	Others	
1	2	3	4	5	6	7	8	9

Extent	Valuation	Registration No. & Date by Board	Notification No. & Date by Board	Name of the Khate dar	Annual Income	Details of acquisition/ grant/ disposal by Court
10	11	12	13	14	15	16

Dated:

Signature of the Chief Executive Officer,  
 Bihar State Shia/Sunni Waqf Board(s).

**Form No.15***[See Rule 8 (8)]*

**Register of Moveable properties of Bihar State Shia/Sunni Waqf Board(s)**  
**Name of the District:** \_\_\_\_\_

Sl. No	Name of the Circle	Name and address of the Waqf	Description of movable property	Name of the donor	Date of Purchase/ donated	No./ Value
1	2	3	4	5	6	7

Bill No. & date	Condition of the movable property	Income from movable Property, if any	Order & date declared as obsolete	Date of action & sale proceeds in Rs.	Remarks
8	9	10	11	12	13

Dated:

Signature of the Chief Executive Officer,  
 Bihar State Shia/Sunni Waqf Board(s).

**Form No.16***[ See Rule 8 (8) ]***Register of Leases of Waqf properties in the Bihar State Shia/Sunni Waqf Board(s)**

Name of the District: \_\_\_\_\_

Sl. No.	Name of Circle	Name and address of the Waqf	Particulars of property	Purpose of lease	Date of issue of pamphlets/ paper notification	Name & address of the lessee
1	2	3	4	5	6	7

Period of lease	No. & date of lease deed registered	Monthly Rent	Date of Commencement of lease	Date of Expiry of lease	Date of approval of Board/Govt. for leases over 1 year	Remarks
8	9	10	11	12	13	14

Dated: \_\_\_\_\_

Signature of the Chief Executive Officer,  
Bihar State Shia/Sunni Waqf Board(s).**Form No.17***[ See Rule 8 (8) ]***Register of properties developed in the Bihar State Shia/Sunni Waqf Board(s)**

Name of the District: \_\_\_\_\_

Sl. No.	Name of the Circle	Name & address of the Waqf	Details of property developed	Name of the scheme under which developed PPM / NAWADCO / others	Name & address of the developer / Board / Institution	Period of lease Given to developer	Date of approval of Govt.
1	2	3	4	5	6	7	8

Amount invested by the developer /Board/I institution	Monthly Rental income	Date of Commencement of lease/pr object	Date of Expiry of lease/ project	Amount received in Rs.			Remarks
				Security Deposit	Date of receipt	Monthly rentals	
9	10	11	12	13	14	15	16

Dated: \_\_\_\_\_

Signature of the Chief Executive Officer,  
Bihar State Shia/Sunni Waqf Board(s).



**Form No.18**  
[ See Rule 8 (8) ]

**Register of details of Waqf properties acquired for public purposes in the Bihar State Shia/  
Sunni Waqf Board(s)**

**Name of the District:** \_\_\_\_\_

Sl. No	Name of the Taluk	Name & address of the Waqf	Details of property acquired			Purpose of Acquisition	Compensation determined
			Name of the Village / Town	(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No. (Old/New)	Extent in Acre/ Sq.ft		
1	2	3	4	5	6	7	8

Date & amount paid	Name of the Court & date the compensation deposited	Whether appeal for enhancement has been made	Date of settlement of dispute/ appeal	Enhanced compensation received	Date of reinvestment for the same object	Remarks
9	10	11	12	13	14	15

**Dated:**

**Signature of the Chief Executive Officer,  
Bihar State Shia/Sunni Waqf Board(s).**

**Form 19**

[ See Rule 11 (2) ]

**No.**

**Date:**

**NOTIFICATION**

Notification regarding preparation of Electoral Rolls under Section 14(2) & (3) of Waqf Act 1995 as amended by the Waqf (Amendment) Act, 2013 (27 of 2013).

It is hereby notified for the information of persons eligible to get themselves registered as voters of the following Electoral colleges;

- (1)
- (2)
- (3)
- (4)

**That**

- (i) the last date of filing of application is .....
- (ii) the date of publication of draft rolls is .....
- (iii) the date of lodging claims/objections is from..... to.....
- (iv) final publication of the Electoral Roll as per Clause (1)(c) of Rule 5 is .....

**Electoral Registration Officer for  
preparation of Electoral Rolls for  
Election of Bihar State Shia/Sunni Waqf Board(s)**

**\* here indicate the electoral colleges**

- (1) Electoral College of Muslim Members of Parliament.
- (2) Electoral College of Muslim Members of Legislature of State.
- (3) Electoral College of Muslim Bar Council Members.
- (4) Electoral College of Mutawalli.
- (5) Electoral College of Muslim Ex-Members of Parliament.
- (6) Electoral College of Muslim Ex-Legislature of State.
- (7) Electoral College of Muslim Ex-Bar Council Members.

**Form No.20**  
[ See Rule 12 (1) ]

**REGISTRATION OF ELECTOR OF ..... ELECTORAL COLLEGE**

Claim for inclusion of name in the Electoral Roll for Electoral College of \_\_\_\_\_ for election to Member/s of Bihar State Shia/Sunni Waqf Board(s).

To

The Electoral Registration Officer to Bihar State Shia/Sunni Waqf Board(s).

Sir,

I request that my name be registered in the Electoral College of \_\_\_\_\_ for election to member/s of Bihar State Shia/Sunni Waqf Board(s).

The particulars are: Name (in full) \_\_\_\_\_  
Father/Husband's Name \_\_\_\_\_  
Occupation \_\_\_\_\_  
Address \_\_\_\_\_  
Age \_\_\_\_\_ (Date of birth \_\_\_\_\_)

1. That I am sitting/Ex-Member of Rajya Sabha/Lok Sabha/Member of Legislative Assembly/Legislative Council of Bihar/Member of Bar Council.
2. That I am Mutawalli of \_\_\_\_\_ institution and the annual income of the institution is more than one lakh rupees and the Waqf contribution payable to the Bihar State Shia/Sunni Waqf Board(s) due is Nil, I declare that I am \*Sunni/Shia Muslim.
3. I declare that I am Citizen of India and that all the particulars given above are true to the best of my knowledge and belief. \_\_\_\_\_

Place:

Date:

PETITIONER

\* Strike out which is not applicable.

**DECISION OF ELECTORAL REGISTRATION OFFICER**

The application in Form \_\_\_\_\_ of Shri/Smt \_\_\_\_\_ address \_\_\_\_\_

\_\_\_\_\_ (a) accepted and name of the above applicant has been registered at Sl.No. \_\_\_\_\_ in \_\_\_\_\_ part. (b) rejected for the reason \_\_\_\_\_

Date: \_\_\_\_\_ Electoral Registration Officer  
..... Performance .....

**RECEIPT FOR APPLICATION**

Received the application from Sri/Smt \_\_\_\_\_ address \_\_\_\_\_

Date: \_\_\_\_\_ Electoral Registration Officer

**Form 20A***[ See Rule 12 (2) ]***(This Form shall be submitted to Electoral Registration Officer along with application in Form 20)**

ELECTION/BYE ELECTION TO THE BIHAR STATE SHIA/SUNNI WAQF BOARD(S) FROM THE ELECTORAL COLLEGE OF SITTING/EX-MUSLIM MEMBERS OF PARLIAMENT OF BIHAR/MUSLIM MEMBERS OF BIHAR LEGISLATURE /MUSLIM MEMBERS OF BAR COUNCIL OF BIHAR/MUTAWALLI OF WAQF INSTITUTIONS WHOSE ANNUAL INCOME IS ABOVE Rs. ONE LAKH.	PHOTO
--	-------

1) NAME (BLOCK LETTERS) \_\_\_\_\_

PART NO.

SERIAL NO.

2). SPECIMEN SIGNATURE

i. \_\_\_\_\_

i. \_\_\_\_\_

ii. \_\_\_\_\_

**Form 21A**  
(See Rule 14(1))

Part-A

Year \_\_\_\_\_

**ELECTORAL COLLEGE OF MUSLIM MEMBERS OF PARLIAMENT FROM BIHAR  
STATE FOR MEMBERSHIP OF BIHAR STATE SHIA/SUNNI WAQF BOARD(S)**

Sl. NO.	Name of Member of Parliament	Name of father / husband.	Sex	Age	Date of Birth	LS/RS	Address in the State of Bihar	No. of Name of constituency	Date of commencement of tenure
1	2	3	4	5	6	7	8	9	10

Place :

Date :

ELECTORAL REGISTRATION OFFICER.

**Form 21B**  
(See Rule 14(1))

Part-B

Year \_\_\_\_\_

**ELECTORAL COLLEGE OF MUSLIM MEMBERS OF LEGISLATURE (BIHAR STATE) FOR  
MEMBERSHIP TO BIHAR STATE SHIA/SUNNI WAQF BOARD(S)**

Sl. NO.	Name of Legislature	Name of father / husband.	Sex	Age	Date of Birth	MLA/MLC	Address in the State of Bihar	No. and Name of constituency	Date of commencement of tenure
1	2	3	4	5	6	7	8	9	10

Place :

Date :

ELECTORAL REGISTRATION OFFICER.

**Form 21C**  
(See Rule 14(1))

Part-C

Year \_\_\_\_\_

**ELECTORAL COLLEGE OF MUSLIM MEMBERS OF BAR COUNCIL (BIHAR STATE) FOR  
MEMBERSHIP TO BIHAR STATE SHIA/SUNNI WAQF BOARD(S)**

Sl. NO.	Name and Address of the Member of Bar Council	Name of father / husband.	Sex	Age	Date of Birth	Address in the State of Bihar
1	2	3	4	5	6	7

Place :

Date :

ELECTORAL REGISTRATION OFFICER.

**Form 21D**  
(See Rule 14(1))

Part-D

Year \_\_\_\_\_

**ELECTORAL COLLEGE OF MUTAWALLI OF INSTITUTION WHOSE ANNUAL  
INCOME IS ABOVE Rs. 1.00 LAKH**

Si. No.	Name and address of the Mutawalli	Name of Father / Husband	Sex	Age	Date of Birth	Name and address of the institution	Annual income of the institution
1	2	3	4	5	6	7	8

Place :

Date :

ELECTORAL REGISTRATION OFFICER.

**Form 22A**  
(See Rule 15)

Part-E

Year \_\_\_\_\_

**ELECTORAL COLLEGE OF EX-MUSLIM MEMBERS OF PARLIAMENT FROM BIHAR STATE  
FOR MEMBERSHIP OF BIHAR STATE SHIA/SUNNI WAQF BOARD(S)**

SI. NO.	Name and address of the member of Parliament	Name of father / husband.	Sex	Age	Date of Birth	LS/RS	Address in the State of Bihar	No. and Name of constituency represented period	Date of completion of tenure
1	2	3	4	5	6	7	8	9	10

Place :

Date :

ELECTORAL REGISTRATION OFFICER.

**Form 22B**  
(See Rule 15)

Part-F

Year \_\_\_\_\_

**ELECTORAL COLLEGE OF EX-MUSLIM MEMBERS OF LEGISLATURE (BIHAR STATE) FOR  
MEMBERSHIP OF BIHAR STATE SHIA/SUNNI WAQF BOARD(S)**

SI. NO.	Name and address of the Legislature	Name of father / husband.	Sex	Age	Date of Birth	MLA/ MLC	Address in the State of Bihar	No. and Name of constituency represented period	Date of completion of tenure
1	2	3	4	5	6	7	8	9	10

Place :

Date :

ELECTORAL REGISTRATION OFFICER.



**Form 22C**  
(See Rule 15)

Part-G

Year \_\_\_\_\_

**ELECTORAL COLLEGE OF EX-MUSLIM MEMBERS OF BAR COUNCIL (BIHAR STATE) FOR  
MEMBERSHIP OF BIHAR STATE SHIA/SUNNI WAQF BOARD(S)**

Sl. NO.	Name and address of Ex-Member of Bar Council	Name of father / husband.	Sex	Age	Date of Birth	Period served	Address in the State of Bihar
1	2	3	4	5	6	7	8

Place :

Date :

ELECTORAL REGISTRATION OFFICER.

**Form No. 23**  
(See Rule 17)

No. \_\_\_\_\_

Date \_\_\_\_\_

**NOTIFICATION**

The Government of Bihar hereby notifies the Schedule of election as hereunder for filling up the vacancy/vacancies of members to the Bihar State Shia/Sunni Waqf Board(s) under Sub clause (1) to (4) of clause (b) of Sub Section (1) and Section (3) of Section 14 of Waqf Act, 1995 as amended by the Waqf (Amendment) Act, 2013 for the following electoral colleges

Sl. No.	Name of the Electoral College	No. of vacancies

**The following is the schedule of election:**

- (i) date of commencement of election \_\_\_\_\_
- (ii) date of Notice by Returning Officer in form 24 \_\_\_\_\_
- (iii) last date of filing of nomination \_\_\_\_\_ under clause (b) of Sub Rule (1) of Rule 18.
- (iv) last date withdrawal \_\_\_\_\_
- (v) date of Scrutiny under clause (d) of Sub Rule (1) of Rule 18 \_\_\_\_\_
- (vi) Date of Poll \_\_\_\_\_
- (vii) Date of Counting \_\_\_\_\_
- (viii) Date of Closing of election \_\_\_\_\_

The above election will be conducted in accordance with Bihar Waqf Rules, 2019.

Date:

**By order**  
**and in the name of the Governor of Bihar**

**Form 24***[ See Rule 18 (2) ]***Notice is hereby given that:-**

- (1) an election is to be held for filling up of seats of one/two members to Bihar State Shia/Sunni Waqf Board(s) by the Muslim Members of Parliament/Ex-Muslim Members of Parliament from of Bihar State.

OR

- (2) an election is to be held for one/two members of Bihar State Shia/Sunni Waqf Board(s) by the Muslim member of Legislature/Ex-Muslim members of Legislature of Bihar State.

OR

- (3) an election is to be held for one/two members to Bihar State Shia/Sunni Waqf Board(s) by the Muslim Members/Ex-Muslim members of Bar Council.

OR

- (4) an election is to be held for one/two member of Bihar State Shia/Sunni Waqf Board(s) by the Mutawalli of the institution whose annual income of the institution is above Rs.1.00 lakh.

- (5) Nomination Papers may be delivered by a candidate or his proposer to the Returning Officer or to Assistant Returning Officer at .....between 11:30 A.M. to 1:00 P.M. on any day (other than a public holiday) not later than the .....

- (6) Forms of nomination Papers will be taken up for scrutiny at .....on ..... at .....

- (7) Notice of withdrawal of candidature may be delivered by a candidate or his proposer (who has been authorized in writing by the candidate to deliver it) to the Returning Officer at his Office before 01:00 P.M. on.....

- (8) In the event of election being contested, the poll will be conducted on.....between the hours of ..... and .....

- (9) The Election shall be completed before\_\_\_\_\_ (date)

Place:

Date:

**RETURNING OFFICER**

**Form 25***[See Rule 19 (1)]***NOMINATION PAPER**

Election to the Bihar State Shia/Sunni Waqf Board(s)

1. I, nominate Sri/Smt. \_\_\_\_\_ as a candidate for election to the Bihar State Shia/Sunni Waqf Board(s) from the \_\_\_\_\_ category
- a) Name of the Candidate \_\_\_\_\_
- b) Name of Father/Husband \_\_\_\_\_
- c) Postal Address \_\_\_\_\_
- d) His/Her name is \_\_\_\_\_ entered at Sl.No. \_\_\_\_\_ in part \_\_\_\_\_ in the Electoral Roll of \_\_\_\_\_ Electoral College.
- e) My name is \_\_\_\_\_ and it is entered at Sl.No. \_\_\_\_\_ in part \_\_\_\_\_ in the Electoral Roll of \_\_\_\_\_ Electoral College.

(SIGNATURE OF PROPOSER)

- (i) I, the above mentioned candidate, assent to this nomination for being chosen as a member of Bihar State Shia/Sunni Waqf Board(s) from electoral college hereby declare.
- a) That I am a voter of \_\_\_\_\_ Electoral College.
- b) That I have completed \_\_\_\_\_ years of age and I am a Sunni/Shia Muslim.
- c) That to the best of my knowledge and belief, I am qualified and not also disqualified (as laid down in Section 16 of Waqf Act, 1995) for being chosen to fill the seat in the Bihar State Shia/Sunni Waqf Board(s) from \_\_\_\_\_ Category.

Strike out whichever is not applicable.

(SIGNATURE OF THE CANDIDATE)

**TO BE FILLED BY RETURNING OFFICER**

Serial No. of Nomination Paper \_\_\_\_\_

The nomination was delivered to me at my office at \_\_\_\_\_ hours on \_\_\_\_\_ by the candidate/proposer.

\_\_\_\_\_  
**RETURNING OFFICER**

Decision of Returning Officer, accepting or rejecting the Nomination Paper.

I have examined this Nomination Paper in accordance with Section 14 of Waqf Act and decide as follows \_\_\_\_\_

\_\_\_\_\_  
**RETURNING OFFICER**

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial No. of Nomination Paper \_\_\_\_\_

The Nomination Paper of \_\_\_\_\_ was delivered to me at my office at \_\_\_\_\_ (hours) on \_\_\_\_\_ (date) by the candidate/proposer.

All Nomination Papers will be taken up for scrutiny at \_\_\_\_\_ (hours) on \_\_\_\_\_ (date) \_\_\_\_\_ place.

**RETURNING OFFICER**

**Form 26***[See Rule 21]***NOTICE OF NOMINATION**

**ELECTION TO THE BIHAR STATE SHIA/SUNNI WAQF BOARD(S) BY MEMBERS OF PARLIAMENT/ MEMBERS OF LEGISLATURE/BAR COUNCIL MEMBERS/MUTAWALLI ELECTORAL COLLEGE.**

**OR**

**Election to the Bihar State Shia/Sunni Waqf Board(s) by Ex-Members of Parliament/Ex-members of Legislature/Ex-members of Bar Council Electoral College**

Notice is hereby given that the following nomination in respect of the above have been received upto 1:00 P.M. on (date)\_\_\_\_\_

Sl. No. of nomination paper	Name of Candidate	Name of father / husband.	Age of the Candidate	Address	Shia / Sunni	Electoral Roll No. of candidate	Name of proposer	Sl. No. of proposer in Electoral Roll	If the proposer is a Mutawalli the name of the Waqf to be indicated
1	2	3	4	5	6	7	8	9	10

**RETURNING OFFICER**

**Form 27***[ See Rule 22 (1) ]***Form of Oath or Affirmation****Form of Oath or Affirmation to be made by a Candidate for election to Bihar State  
Shia/Sunni Waqf Board(s)**

I, \_\_\_\_\_ having been nominated as  
candidate to fill a seat in the Bihar State Shia/Sunni Waqf Board(s) do swear in the name of Allah  
that I will bear true faith and allegiance to the Constitution of India as by law established and I will  
uphold the Sovereignty and Integrity of India.

(Signature of the Candidate)

**Acknowledgement of Oath**

\_\_\_\_\_ candidate has taken Oath on \_\_\_\_\_ at  
\_\_\_\_\_ time.

Returning Officer

\_\_\_\_\_

**Certificate of Oath**

This is to certify that \_\_\_\_\_ has signed and read the Oath of Affirmation  
before me on \_\_\_\_\_ date at time \_\_\_\_\_

(Signature)

Returning/Asst. Returning Officer



**Form 28***[ See Rule 22 (2) ]***Appointment of Election Agent**

Election to the member of Bihar State Shia/Sunni Waqf Board(s) from \_\_\_\_\_  
Electoral College.

To : The Returning Officer

\_\_\_\_\_  
\_\_\_\_\_

I \_\_\_\_\_ a candidate at the above  
election do hereby appoint Sri. \_\_\_\_\_  
(name and address) as my Election Agent from this day to the above election.

Place:

Date:

**Signature of Candidate**

**I accept the above appointment**

Place:

Date:

**Signature of Election Agent**

PHOTOGRAPHS

**Signature attested by me  
(Returning Officer)**

**Form 29***[ See Rule 23 (8) ]*

LIST OF VALIDLY NOMINATED CANDIDATES TO THE ELECTION FROM THE  
\_\_\_\_\_ ELECTORAL COLLEGE

Si. No.	Name of the Electoral College	No. of vacancies

**Place :****Date :****RETURNING OFFICER**

Note : The names of the Candidates shall be arranged as per English alphabetical order and the address of the contesting candidates as given in the Nomination Paper.

**Form 30***[ See Rule 24 (1) ]***ELECTION TO THE \_\_\_\_\_ NOTICE OF WITHDRAWAL****To :****The Returning Officer**

.....

**Sir,**

I, ..... (candidate validly nominated) at the above election do hereby give Notice that I withdraw my candidature.

**Date:****Yours faithfully****(Signature of the Candidate)**

**Receipt of Notice of Withdrawal**  
**(to be handed over to the person delivering the notice)**

The Notice of withdrawal of candidature by \_\_\_\_\_ (a validly nominated candidate at the election to the member of Bihar State Shia/Sunni Waqf Board(s) from \_\_\_\_\_ Electoral College was delivered to me by the \*----- at my office at ----- (hour) on \_\_\_\_\_ (date).

**RETURNING OFFICER**

\* Here insert one of the following alternatives as may be appropriate:-

- (1) Candidate.
- (2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.
- (3) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

**Form 31***[ See Rule 24 (3) ]***NOTIFICATION****(Withdrawal of candidate/s)**

Election to the Bihar State Shia/Sunni Waqf Board(s) from \_\_\_\_\_  
Electoral College.

It is hereby notified that the following validly nominated candidate/s at the above election withdrew his candidature/their candidatures today.

Name of validly nominated candidate	Address of validly nominated candidate	Remarks

Date :

**RETURNING OFFICER****Form 32***[ See Rule 25(1) ]***List of Contesting Candidates**

Election to the Member/s of Bihar State Shia/Sunni Waqf Board(s) from the \_\_\_\_\_  
\_\_\_\_\_ Electoral College.

Name of validly nominated candidate	Address of validly nominated candidate	Remarks
Sl.No.	Name of Candidate	Address of Candidate
1. 2. 3. etc.		

**Date:****Returning Officer**

Note: The Names of the contesting candidates shall be in English alphabetical order and address of the contesting candidates as given in the nomination Paper.

**Form 33***[See Rule 28 (2) ]***Declaration of Result of Election  
(to be used when the seat is un-contested)****Election of Bihar State Shia/Sunni Waqf Board(s) from \_\_\_\_\_ Electoral College**

In pursuance of the provisions contained in Rule 28 of Bihar Waqf Rules, 2019, I declare that

Sri/Smt 1) \_\_\_\_\_ (Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_

\_\_\_\_\_

Sri/Smt 2) \_\_\_\_\_ (Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_

has/have been duly elected to fill the seat/seats from the above electoral college.

Place :

Date :

Returning Officer

\_\_\_\_\_

**Form 34***[See Rule 30 (2) ]***Application by a Voter regarding choice of Electoral College for voting**

To

**The Returning Officer,**

\_\_\_\_\_

I \_\_\_\_\_ is a Voter in the following Electoral College of Bihar State Shia/Sunni Waqf Board(s).

Name of Electoral College	Part No.	Serial No.
(1)		
(2)		
(3)		
(4)		

I declare that my choice to vote is \_\_\_\_\_ Electoral College under Rule 33.

**Date**

**(Signature of Voter)**



**Form 35****[See Rule 33 (2) ]****RETURN OF ELECTION****ELECTION TO THE BIHAR STATE SHIA/SUNNI WAQF BOARD(S)**

Election to Bihar State Shia/Sunni Waqf Board(s) by Members of Parliament/  
Members of Legislature/Members of Bar Council/ Mutawalli \_\_\_\_\_

Result of the poll and of the transfer of vote is as follows: Number of valid votes

\_\_\_\_\_

Number of Members to be elected \_\_\_\_\_

Quota (Number of votes sufficient to secure the election of a candidate  
\_\_\_\_\_)

Names of candidates	FIRST COUNT		SECOND COUNT		THIRD COUNT		FOURTH COUNT	
	Votes Polled.	Transfer of	Result	Transfer of	Result	Transfer of	Result	
1	2	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Non transferable \_\_\_\_\_

Loss due to fraction \_\_\_\_\_

Total \_\_\_\_\_

Name of elected

Candidate/candidates

and or Order of election

I declare that

(1) (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_

(2) (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Address) \_\_\_\_\_

has/have been duly elected.

**Signature**  
**Returning Officer**

The \_\_\_\_\_ day of \_\_\_\_\_ 201 \_\_\_\_\_

**Form 36***[ See Rule 33 (3) ]***Declaration of result of Election  
(to be used when the seat is contested)**

Election of Bihar State Shia/Sunni Waqf Board(s) from \_\_\_\_\_  
Electoral College.

In pursuance of the provisions contained in Rule 36 (3) of Bihar State Waqf Rules, 2014, I declare that

Sri/Smt 1) \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Address)  
 \_\_\_\_\_  
 \_\_\_\_\_

Sri/Smt 2) \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Address)  
 \_\_\_\_\_  
 \_\_\_\_\_

has/have been duly elected to fill the seat/seats from the above electoral college.

**Place :**

**Date :**

**Returning Officer**

**Form 37***[ See Rule 38 ]***CERTIFICATE OF ELECTION**

I \_\_\_\_\_ Returning Officer for the election to Bihar State Shia/Sunni Waqf Board(s), hereby certify that I have on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ declare Sri/Smt. \_\_\_\_\_ Member of the Bihar State Shia/Sunni Waqf Board(s) from the \_\_\_\_\_ Electoral College\* and that in token thereof I have granted him this Certificate of Election.

Place :

Date :

**RETURNING OFFICER**

(Seal) \_\_\_\_\_ \*here mention

- (i) Muslim members of Parliament/Ex-Muslim Member of Parliament.
- (ii) Muslim members of Legislature/Ex-Muslim member of Legislature.
- (iii) Muslim members of Bar Council/Ex-Muslim Member of Bar Council.
- (iv) Mutawalli of Waqf.

**Form 38***[ See Rule 40 ]*

Notification under Section 14(9) of the Waqf Act, 1995 as amended by the Waqf (Amendment) Act, 2013 (27 of 2013) regarding appointment of Members to Bihar State Shia/Sunni Waqf Board(s).

The Government of Bihar by virtue of its power conferred under Section 14(9) of the Waqf Act, 1995 as amended by the Waqf (Amendment) Act, 2013 (27 of 2013), notifies that the persons noted hereunder are appointed as members of Bihar State Shia/Sunni Waqf Board(s). They shall hold the office as the members of the Board for a period of five years under Section 15 of Waqf Act, 1995 as amended by the Waqf (Amendment) Act, 2013 (27 of 2013).

Sl. No.	Name of Member	Address	Age	If elected member, Name of electoral college	If nominated the name of the category of nomination	Remarks
1	2	3	4	5	6	7

Dated:

**By order  
and in the name of the  
Government of Bihar**

**Form 39***[ See Rule 41 (1) ]***NOTICE**

A meeting is convened at (place) \_\_\_\_\_ on (date) \_\_\_\_\_ at time \_\_\_\_\_ to elect the Chairperson of the Board as provided under Section 14(8) of Waqf Act, 1995 as amended by the Waqf (Amendment) Act, 2013 (27 of 2013). You are therefore, requested to attend the said meeting at the given time and place. Nomination to contest for the post of Chairperson may be filed before the Presiding Officer on or before the time and date of the said meeting.

**Dated :**

**Secretary to Govt. and Officer  
authorized to conduct Election of  
Chairperson**

(Note:-

Minimum 7 days Notice be given for conduct of this meeting)

**Form No.40***[ See Rule 41 (5) ]*

Notification by Govt. regarding appointment of Chairperson

**NOTIFICATION**

(Under Rule 37(5) of Bihar Waqf Rules, 2019)

It is hereby notified that Sri/Smt \_\_\_\_\_ S/o W/o \_\_\_\_\_ a member of the Bihar State Shia/Sunni Waqf Board(s) is duly elected as Chairperson of Bihar State Shia/Sunni Waqf Board(s) as per Section 14(8) of Waqf Act, 1995 as amended by the Waqf (Amendment) Act, 2013 (27 of 2013).

**Dated**

**By Order and  
in the name of the Governor of Bihar**

**Form No. 41***[ See Rule 43 (1) ]*

Application for inspection of records/registers/other documents in any Public Office. The Movable/immovable properties mentioned here under are.

- (1) Waqf Properties belonging to \_\_\_\_\_ (Waqf)  
 (2) Claimed to be Waqf Properties.

It is required to inspect the documents mentioned in the table below under Section 29 of the Waqf Act, 1995.

T A B L E

Sl.No.	Details of movable / immovable properties	Records / Register other documents to be inspected.	Official/ Person authorized
1	2	3	4
Movable			
Immovable			

You are hereby requested to permit the Official/Person authorized in the table above to inspect the said record/register and other documents immediately.

A Fee of Rs. \_\_\_\_\_ (in words)  
 \_\_\_\_\_ is remitted vide challan/receipt No. \_\_\_\_\_  
 \_\_\_\_\_ dated \_\_\_\_\_

C.E.O/Authorized Officer

To

\_\_\_\_\_  
 \_\_\_\_\_

(here indicate the authority to  
 whom application is made)

Section 29 of Waqf Act, 1995 (Central Act) as amended by the Waqf (Amendment) Act, 2013

As per Section 29, the Chief Executive Officer or any Officer of the Board duly authorized by him in this behalf shall, Subject to such conditions and restrictions as may be prescribed and Subject to payment of such fees as may be levied under any law for the time being in force be entitled at all reasonable time to inspect in any public office, any records, registers, or other documents relating to a Waqf or movable or immovable properties which are Waqf properties or are claimed to be Waqf properties.

**Form No. 41(A)**

[ See Rule 46 (1) ]

**Application for inspection of proceedings or Records**

Date	Name and Address of the Applicant	Nature of the document	If the document relate to a Waqf the relation of the Applicant with Waqf.	Order granting or rejecting the application	Searching fee Ord. urgent.
1	2	3	4	5	6

Initial of the Head Clerk-cum-Accountant.	Date and hour when the inspection will be allowed.	Signature of the clerk receiving the application	Remarks
8	9	10	11

**Form No. 41(B)**

[ See Rule 46 (4) ]

**Application for certified copies of Proceedings or Records**

Date	Name and Address of the Applicant	Specification of the document of which a copy is required	Where the document relates to a Waqf the relation of the applicant with the Waqf	Order granting or rejecting the application	Number of words to be copied	Searching fee deposited Ordinary	Searching fee deposited Urgent
1	2	3	4	5	6	7	8

Coping fee deposited (Ordinary)	Coping fee deposited (Urgent)	Certification fee deposited if a certified copy is required (Ordinary)	Certification fee deposited if a certified copy is required (Urgent)	Initial of the Head Clerk – cum – Accountant receiving	Date and hour when the copy will be ready	Date of delivery	Signature of Applicant acknowledging receipt	Remarks
9	10	11	12	13	14	15	16	19

## SCHEME OF ADMINISTRATION

## CHAPTER-I

### DETAILS OF WAQF

- |  |   |
|--|---|
|  | <b>Sl. No.</b>  |
|  | <b>Name of the Town or Village</b>                                      |
|  | <b>(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)</b> |
|  | <b>Extent in acres or sq.ft.</b>  |
|  | <b>Boundaries</b>   |
|  | <b>Nature of Waqf</b>   |
|  | <b>Assessment or tax to be paid annually</b>                            |
|  | <b>Name of the Khatedar</b>   |
|  | <b>Income derived annually</b>  |
|  | <b>Name and address of the Waqif</b>                                    |
|  | <b>Certificate of Registration No.</b>                                  |
|  | <b>Gazette / Notification No.</b>                                       |



## CHAPTER-II DEFINITIONS

5. Unless the context otherwise require, the words and expression contained in this Scheme of Management shall bear the same meaning as contained in Waqf (Amendment) Act, 2013 (Act No.27 of 2013) and the Rules and Regulations made there under for the State of Bihar.
- i. "Waqf" means \_\_\_\_\_  
(Name of the Waqf institution);
  - ii. "Jurisdiction" means the area described in Chapter-I, Clause-3 of this Scheme;
  - iii. "Member" means a Muslim who has attained age of 18 years on the date of application of membership and who ordinarily resides within the jurisdiction of the Waqf institution and whose name is entered in the register of Waqf.
  - iv. "General Body" in relation to a Waqf means a group of Members of Waqf institution whose name is entered in the register of Waqf.
  - v. "Properties" means all moveable and immovable properties belonging to the Waqf including donations, subscriptions, nazars, offerings, golak collection and other income accrued to the Waqf;
  - vi. "Board" means the Bihar State Shia/Sunni Waqf Board(s) established by State Government under Section-13 (1) of the Waqf (Amendment) Act, 2013 (Act No.27 of 2013).
  - vii. "Act" means the Waqf (Amendment) Act, 2013 (Act No.27 of 2013) as amended from time to time;
  - viii. "Rules" means the Bihar Waqf Rules, 2019, framed by the State Government under Section 109 of the Act, as amended from time to time;
  - ix. "Regulations" means regulations framed by the Board with the approval of the State Government under Section-110 of the Waqf (Amendment) Act, 2013 (Act No.27 of 2013) as amended from time to time.
  - x. "Managing Committee" means a Committee entrusted with day to day management of the affairs of the Waqf institution;
  - xi. "Government" means Government of India and Government of Bihar as the case may be.
  - xii. "President" means President of Waqf institution selected or elected under the provisions of this Scheme.
  - xiii. "Vice President" means Vice President of Waqf institution selected or elected under the provisions of this Scheme.
  - xiv. "Secretary" means Secretary of Waqf institution selected or elected under the provisions of this Scheme.
  - xv. "Treasurer" means Treasurer of Waqf institution selected or elected under the provisions of this Scheme.

## CHAPTER-III AIMS AND OBJECTS

6. **The aims and objects of the Waqf shall be:**
- i. To look after the day-to-day management of the Waqf and to provide effective and efficient services.
  - ii. To ensure that income from the property or by services of the Waqf is properly collected and applied to the objects of the Waqf or for which the Waqf is created or intended.
  - iii. To develop properties and improve the sources of income for fulfilment of the purposes;
  - iv. To extend financial assistance for education and health for the economically weaker sections of the society by setting apart a portion of income of Waqf keeping in view the Mansha-e-Waqif and Islamic Shariah.
  - v. To take up any other activities of religious, cultural, educational, social, economic upliftment of the community.

## CHAPTER-IV MEMBERSHIP

### 7. **Qualification for admission:**

- i. Any Muslim who has completed 18 years of age as on the date of application for Membership;
- ii. Who professes and follows the Sunni/Shia faith to which the Waqf belongs;
- iii. Who is a ordinary resident or who carries business, within the jurisdiction of the Waqf; for not less than a minimum period of one year;
- iv. A person cannot be a member at a time for more than one Waqf institution of same category i.e. not more than one Masjid, not more than one Dargah, not more than one Khabrastan, etc.
- v. Any person who desires to become a Member shall apply in writing together with payment of Membership fee of Rs. \_\_\_\_\_/- (Rupees \_\_\_\_\_) to the Secretary/Treasurer/Administrator/ Mutawalli of Waqf institution as the case may be and agree to pay monthly/annual subscription fixed by the Managing Committee.
- vi. The Members must pay the subscription fee of ..... per month on the last date of the month. If it is annually, the subscription fee of Rs. .... shall be paid on or before 30th of March of every year.
- vii. If subscription fee prescribed is not paid consecutively for 3 periods his Membership will remain under suspension until payment of all arrears together with penalty of Rs.500/- is paid. A Member who fails to pay the arrears together with penalty if any before the date for issue of calendar of events of the election to the Managing Committee to the Waqf shall not be eligible to participate in the election process in any manner whatsoever including voting.

## CHAPTER-V MEETINGS

### 8. **General Body:**

- i. The General Body of the Waqf shall be the apex body with supervisory powers over the affairs of the Waqf. The first meeting of the General Body of the Waqf shall be held within sixty days from the date of approval of this Scheme of Management by the Board.
- ii. The meetings of General Body shall be of two types.
  - a) Annual General Body Meeting.
  - b) Special General Body Meeting.
- iii. Annual General Body Meeting.  
The Annual General Body Meeting shall be called every year by the Managing Committee on or before 31st of May of each year.
- iv. Functions of Annual General Body.
  - a. To consider and approve the budget estimate for the ensuing year, before submitting it to the Board;
  - b. To approve the annual audited statement of accounts of the Waqf;
  - c. To select with consensus 11 (eleven) Members from among themselves, to the Managing Committee of the Waqf once in three years;
  - d. If it be by selection, it shall be by rising of hands;
  - e. If the General Body decides to appoint the Managing Committee through Election, it shall be as provided under Chapter – VIII of the Scheme.
  - f. If any Member/s of Managing Committee has/have, failed in his/their duties or lagging behind in fulfillment of his/their responsibilities, or has acted or acting, in a manner prejudicial to the interest of the Waqf, one fifth Members are entitled to raise the subject, by notice, and if there exists prima

- facie case against such Member/s, by a special resolution passed in the meeting, intimate the fact to the Board for necessary action;
- g. To approve the appointment of employees required to the Waqf.
  - h. To approve the proposals of the Managing Committee if any;
  - i. To appoint Auditor or Chartered Accountant to audit the accounts of the Institution;
- v. ***Adjournment of General Body Meeting.***—In the absence of quorum within half an hour after the time appointed for holding General Body Meeting, the meeting shall be adjourned to a further date to be determined by the Managing Committee to discuss the same agenda; such an adjourned meeting shall be called within seven days from the date of adjournment;
- No subject other than the notified subjects for the general body meeting shall be transacted in the adjourned meeting and no quorum is required for the adjourned meeting.
- vi. ***Special General Body Meeting.***
- a. All General Meetings other than Annual General Body Meeting shall be called as Special General Body Meeting.
  - b. A Special General Body Meeting may be called at any time by the Managing Committee at their discretion.
  - c. It may be called on requisition made to the Managing Committee in writing by at least one fifth of Members.
  - d. It shall be called within a month from the date of requisition.
  - e. At such a Special General Body Meeting, no business other than specified in the notice shall be transacted.
  - f. In case within half an hour after the time appointed for holding such a meeting, if there is no quorum the meeting shall be dissolved.
- vii. ***Presiding over the meeting .***—The President of the Waqf shall always preside over every Annual General Body Meeting and Special General Body Meeting. In his absence Vice-President shall preside. In the absence of both, nominee of the President or senior most Member of the Managing Committee shall preside.
- viii. ***Quorum .***—One third of the total Members shall constitute quorum for the Annual General Body Meeting and Special General meeting.
- ix. ***Voting .***—All decisions at the General Body Meeting / Special General Body Meeting shall be taken by a simple majority of votes of the Members present. Each Member shall have one vote. The President of the Waqf, if he is presiding over the meeting or the person in Chair at the meeting shall have a casting vote which he may exercise in case of equality of votes except in Election matters.
- x. The proceedings of every meeting shall be recorded in the Minutes Book together with the resolutions passed on each subject. The Minutes Book shall be signed by the President and Secretary of the Waqf.
- xi. The resolutions of previous meeting shall be placed in the next meeting for its confirmation.
- xii. A copy of the Minutes of the meeting shall be sent to all Members of the Managing Committee and published on the Notice Board of the Waqf within seven days of the meeting.
- xiii. The Secretary of the Waqf, in consultation with the President of the Waqf or on the direction of the President, shall prepare a notice containing the day, date, time and place of such meeting together with agenda for the meeting and notes on the items of agenda for the meeting. The notice shall be published on the Notice Board of the Waqf and a copy may be sent to the office of the District Auqaf Committee.

## CHAPTER-VI MANAGING COMMITTEE

9. 1) ***CONSTITUTION OF MANAGING COMMITTEE:***
  - a) There shall be a Managing Committee responsible for day to day management of the Waqf selected or elected as the case may be having a term of three years.
  - b) The Managing Committee shall consist of eleven (11) Members.
- 2) ***PROCEDURE FOR SELECTION OF MANAGING COMMITTEE BY THE GENERAL BODY:***

The existing Managing Committee or Administrator shall call for a General Body Meeting by making public announcement in three consecutive Friday prayers before General Body Meeting and on the date of General Body Meeting, any Officer from the District Auqaf Committee or Board shall be invited as an Observer to the said proceedings of the General Body Meeting. In the said General Body Meeting, they shall select the Managing Committee. The names of the persons so selected in the General Body Meeting shall be attested by the Observer and forwarded to the Board for its approval.
- 3) The Managing Committee shall be collectively accountable to the Board.
- 4) Duties and Powers of the Managing Committee:
  - a. It shall be the Executive Body responsible for day to day management, administration of the affairs of the Waqf in accordance with the provisions of the Act and Rules framed there under and in accordance with the terms of the Scheme of Management.
  - b. It shall exercise powers in accordance with decisions taken at General Body Meeting and shall not act contrary to the Waqf Act, Waqf Rules, Scheme of Management and directions of the Board.
  - c. The Managing Committee shall adhere to the religious and customary practices of the Waqf institution depending upon the nature of the Waqf institution while carrying out its management affairs.
  - c. It shall have power to recruit the staff and also to remove them;
  - d. It is the Disciplinary Authority for the staff of the Waqf institution.
  - e. It shall update and maintain records/register of the Waqf as prescribed under the Act and Rules.
  - f. it shall prepare and submit periodical returns as prescribed under the Act and Rules.
  - g. It shall lease the properties in accordance with the provisions of Waqf Properties Lease Rules, 2014.
  - h. It shall be the duty of the outgoing Managing Committee to commence Election process for constitution of new Managing Committee, three months in advance of the expiry of its term, failing which they shall be liable for action under Sections 61 and 64 of the Waqf Act (misfeasance and willful disobedience of directions of the Board);
  - i. Under no circumstances, the administrative and financial powers shall be delegated.
  - j. It shall be the duty of the Managing Committee to send a report at the commencement of every financial year highlighting the achievements made during the previous year in respect of protection of properties, its development and steps taken to improve the financial status of the Waqf, collection of income accruing to the Waqf and payment of Waqf contribution;
  - k. It can form Sub-Committees for Education, Health, Social Service and Development of Waqf properties, etc.
  - l. It shall approve receipts and payments.
  - m. It shall notify the General Body Meeting to the Board.

- n. It shall get the assessment of Waqf contribution from the District Auqaf Committee and remit the said sum within one month of the completion of audit failing which they are liable to be charged for violation of Section-72 of the Waqf Act;
10. **Co-option.**— In case of vacancy in the Managing Committee, the remaining Members of the Managing Committee with prior approval of the Board shall co-opt equal number of Member/s from among the Members of the Waqf and the term of such a Member is co-terminus with the term of subsisting Managing Committee.
11. **Office Bearers:**
- a) The Waqf Officer or Waqf Inspector shall call the first meeting of the Managing Committee after receipt of the proceedings of the General Body Meeting within fifteen days by giving clear notice of seven days. No such meeting may be called if the Office Bearers are selected by consensus in the General Body Meeting.
- b) The Members of the Managing Committee shall, in its very first meeting; either by consensus or Election choose from among themselves a President, a Vice President, a Secretary, and a Treasurer as prescribed in Clause 24 of the scheme and intimate the same to the District Auqaf Committee and the Board.
12. Every Member of the Committee, whether elected or selected or co-opted shall sign a declaration or an undertaking, under his hand, at the first meeting after his Election/Selection, or Co-option that he accepts the said Office and solemnly affirms that he shall act and discharge his duties with full integrity & honesty as a Member in the best interest of the Waqf;
13. **A Member of the Managing Committee shall cease to be Member by reason of:**
- a. death, resignation and removal;
- b. conviction resulting in any penalty;
- c. a tenant or family member of the tenant of the Waqf;
- d. receiving any pecuniary benefits from Waqf, Provided that the other spouse or child of any Member of the Committee, General Body shall not be entitled to hold any office of profit under the Waqf and its allied Institutions.
- e. absence, consecutively for three meetings, without valid reason;
14. **Powers of office bearers:**
- 1) The President of the Committee shall preside over all meetings; he shall be the head of the institution;
- 2) The Vice President shall preside over any meetings in the absence of the President and shall exercise all powers of President in the absence of the President in that meeting;
- 3) The Secretary of the Committee shall be the Executive Head of the Waqf institution and as such he can sue and be sued in that capacity; he shall be responsible for:
- a. calling meetings in consultation with the President;
- b. preparing the agenda with notes for all meetings and circulate the same along with meeting notice to the Members of Managing Committee or General Body;
- c. preparing budget in consultation with the Treasurer;
- d. signing all contracts, leases with the prior approval of Managing Committee, Board and Government as the case may be;
- e. maintaining accounts of the Waqf in accordance with provisions of Act and Rules;
- f. operate bank account/s of the Waqf, jointly with the President or the Treasurer;
- g. he shall be the head of Office for the staff employed by the institution; and do all such acts as prescribed under the Act and Rules and that are entrusted to him by the Managing Committee or General Body;



- 4) The Treasurer shall be the custodian of the books of accounts and shall advise the Managing Committee on financial matters of the institution;
  - 5) The Secretary is responsible to update and handover all the records to the successor Managing Committee immediately after the expiry of the term.
  - 6) The Secretary and Treasurer are responsible for maintenance and updation of all the books and prescribed registers and also responsible for production of records on demand by the Supervisory Authorities.
  - 7) The Secretary and Treasurer are responsible for compliance and action taken on the Audit and Inspection Reports of the Supervisory Authorities.
  - 8) The Secretary is responsible for taking up and pursuing any legal action to protect the properties of Waqf.
15. ***Disqualification of Member of the Managing Committee:***  
A person shall be disqualified for being appointed or for continuing as a Member of the Managing Committee if:
- a) he is not a Muslim;
  - b) he is less than eighteen years of age;
  - c) he is found to be a person of unsound mind;
  - d) he is an un-discharged insolvent;
  - e) he has been convicted for an offence involving moral turpitude;
  - f) he be a rowdy sheeted in police records;
  - g) he has been, on previous occasion, removed by an order of a Competent Court or Tribunal or Board from any position of Waqf either for mismanagement or for corruption or any such reasons; in which case he is disqualified for a minimum period of two (2) terms from the date of disqualification;
  - h) he is known alcoholic or gambler or consumes any narcotics drugs;
  - i) he or any of his family Member is a tenant of the Waqf and ineligible as per the Waqf Properties Lease Rules, 2014;
16. ***Meetings of Managing Committee:***
- 1) The Managing Committee shall meet at-least once in two (2) months or as often as possible to transact the business of the Waqf;
  - 2) The Secretary, in consultation with the President, shall send at least three days prior notice of the meeting to all Members of the Managing Committee and where any emergent business has to be transacted the period of notice may be reduced at the discretion of the President of the Waqf; a copy thereof shall be affixed on the Notice Board of the Waqf.
  - 3) The President of the Managing Committee shall preside over every meeting and in his absence, the Vice President shall preside over the meeting; and in the absence of both President and Vice-President, any senior Member present, other than the Secretary and Treasurer, shall preside over the meeting;
  - 4) The proceedings of the meeting shall be recorded in the Minute Book together with the resolutions passed on each subject. The Minute Book shall be signed by the President and Secretary of the Waqf.
  - 5) The resolutions of previous meeting shall be placed in the next meeting for its confirmation.
  - 6) A copy of the Minutes of the meeting shall be sent to all the Members of the Managing Committee within seven days of the meeting and also affix a copy thereof on the notice board of the Waqf institution.
  - 7) The quorum for the meeting of the Managing Committee shall be one third Members; If there is no quorum within half an hour of the commencement of the meeting, the meeting shall be adjourned to next week on the same day and time; no notice to any Member of such adjourned meeting shall be necessary.



## CHAPTER VII MAINTENANCE OF ACCOUNTS

### 17. *Accounts:*

- 1) The Treasurer shall maintain all the accounts of the Waqf in accordance with the provisions of the Act and submit periodical accounts to the Board as prescribed by the Board and prescribed under the Act and Rules framed there-under;
- 2) The Treasurer shall ensure that all books are maintained in accordance with the Act and all amounts received and spent are accounted positively;
- 3) The Treasurer shall ensure that all receipts and all income shall be received and acknowledged against proper receipt and deposited in the Bank Account of the Waqf on the same day or positively on the next working day;
- 4) The Secretary shall maintain a permanent advance of not more than Rs.1,000/- (Rupees One thousand only) for meeting any contingency;
- 5) The institution shall open an account in any of the Nationalized Bank or Schedule Bank and it should be jointly operated by the President and Treasurer or Secretary.
- 6) The interest accrued in the Bank Accounts and deposits of Waqf shall be utilized for the needs of destitute without expecting any reward and the transaction shall be accounted for.

### 18. *Donations, Gifts, Grants, etc.:*

- 1) The Managing Committee may, at its discretion accept donations, gifts in cash or kind, or any movable or immovable property, or any endowments for any purpose akin to the objects of the Waqf or supplemental to or incidental to the objects of the Waqf and utilize such movable or immovable property in fulfillment of the objects desired by the donor or settler or the Waqf or directions of the Board;
- 2) A gift or grant either in cash or kind of any moveable or immovable property as endowment may not be accepted by the Managing Committee, if in the opinion of the Managing Committee, the terms imposed for utilization or use of such gift or grant or endowment is not in the interest of the Waqf or if the same is inconsistent with or repugnant to or contrary to the spirit and concept of Waqf in general and the Waqf in particular or such grant, gift etc., is likely to subject the Waqf or the Board to any embarrassment at a later date or against the Shariah;

Provided that the Managing Committee shall record the reasons for such non-acceptance of gifts, donations, etc., and intimate the same to the Board;

- ### 19. *Leases of Waqf properties* .—The properties or portion of properties could be developed for enhancement of income to be utilized for the object of the Waqf shall be leased in accordance with the provisions of Waqf Properties Lease Rules, 2014 positively. No power of transfer/Sub lease/mortgage or encumber of the Waqf property in favour of Lessee can be incorporated in the Lease Deed. Any loss incurred due to non-implementation of these Rules, the loss will be recovered from the Mutawalli or Managing Committee.

20. ***Financial Year:***

- 1) The Financial year, of the Waqf shall commence on the first day of April every year and shall end on the 31st of March of every year;
- 2) The first financial year of the Waqf shall commence from the date of approval accorded by the Board to the Scheme of Management and shall end on the 31st March of next calendar year;

21. ***Audit of accounts:***

- 1) The Managing Committee shall after the completion of the financial year of the Waqf, get the accounts audited by an Auditor or Chartered Accountant appointed by the General Body of the Waqf or by the Board;
- 2) The audited statement together with the observation of the auditors shall be examined by the Managing Committee who shall append its own observations and place the accounts together with its observation before the General Body at its Annual General Body Meeting after the closure of every financial year;
- 3) The Waqf shall allow second or subsequent audit in accordance with the provisions of the Act and in consultation with and or directions of the Board;

22. ***Amendments to the Scheme:***

- 1) This Scheme is framed by the Board in exercise of its powers and functions as provided under Section 32 of the Act, and therefore, the Board alone is Competent to cancel or modify this Scheme before or after it has come into force;
- 2) Where the General Body is of the opinion that the institution requires any alteration or deletion or additions, the same may be forwarded to the Board duly approved in the Special General Body Meeting convened for this purpose for consideration of the Board and the decision of the Board shall be final.

Provided that any amendment proposed shall be in consistent with the Act and Rules made there under.

23. ***Official Seal:***

- 1) The Managing Committee shall prepare an official seal indicating the name of the Waqf, as it appears in the Gazette Notification or Registration Certificate;
- 2) The seal of the Waqf shall be in the safe custody of the Secretary of the Managing Committee and shall be affixed on all contracts, agreements and documents to which the Waqf is the signatory;

## CHAPTER VIII ELECTION

(Applies only in case where Managing Committee is not selected by consensus)

24. ***Constitution of Managing Committee through Election:***

- 1) Preparation of Electoral Roll and issue of Identity Cards:
  - a) The Secretary of the Managing Committee or Administrator or Mutawalli within three months of the completion of the term shall issue notification inviting applications for enrolment of Members, deletions and corrections of details of names and address of Members of the Waqf providing minimum thirty days period.
  - b) The Secretary of the Managing Committee or Administrator or Mutawalli shall publish the Provisional Electoral Roll of the Waqf as per Chapter IV calling for objections, suggestions and corrections giving a minimum period of seven days.
  - c) After corrections and decisions on objections and suggestions, the Managing Committee or Administrator or Mutawalli after recording reasons for rejection, if any, shall publish the Final Electoral Roll within seven days after Clause (b) above, on the Notice Board of the Waqf and send a copy to the District Auqaf Committee.
  - d) The Managing Committee shall issue to every Member whose name is in the Final Electoral Roll of the Waqf institution an Identity Card indicating the name of the Waqf, full name of the Member, Membership number, date of birth, age and residential or business address. The recent passport size photo of the Member shall also be affixed on the Identity Card duly signed by him and attested by the Secretary of the Managing Committee or Administrator or Mutawalli along with the seal of the Waqf.
- 2) Eligibility for voting:  
The Members enrolled in the Register of Members of General Body are eligible to contest or cast the vote for Election of the Waqf.

25. ***Procedure for Election of Members of the Managing Committee: Election of the Members of the Managing Committee of the Waqf shall be held in the following manner:***

- 1) The existing Managing Committee shall request the Board to appoint a Returning Officer and the Board shall appoint an Officer or Official of the Board or the State Government or a Local Authority as Returning Officer for the purpose of conducting the Election of Members to the Managing Committee of the Waqf.
- 2) The Returning Officer appointed under sub-rule (1) above shall publish a calendar of events for the purpose of conduct of Election of Members of the Managing Committee, twenty one days before the date of Election and complete the process of Election within thirty days from the date of Notification.
- 3) The Calendar of Events shall be published by the Waqf in local dailies having wide circulation in the local area at least one in each language viz; Kannada, Urdu and English and at the Offices of the Returning Officer, the District Auqaf Committee and any other offices deemed appropriate by the Returning Officer.
- 4) Calendar of Events shall be published indicating clearly:-
  - (a) The number of persons to be elected.
  - (b) The last date for filing of nominations, shall be the seventh day after the date of issue of nomination papers.
  - (c) The place at which such nominations are to be filed.
  - (d) The date of scrutiny of nominations which shall be the day next after the last date for filing nominations;
  - (e) The last date for withdrawal of nominations shall be the next day after the date for the scrutiny of nominations and thereafter the final list of contesting candidates will be published.

- (f) The date on which polling shall be held being a date not earlier than the tenth day after the last date for withdrawal of nominations;
  - (g) The date before which the process of election shall be completed.
  - (h) The date, place and time for counting of votes.
  - (i) After the issue of Calendar of Events the process of Election will continue irrespective of public holidays.
- 5) (a) A Member who desires to contest as a candidate for Election as a Member of the Managing Committee shall file Nomination Paper in the form prescribed to the Returning Officer or any other person authorized by him.

OR

- (b) A Member of Waqf institution may nominate any other Member who is qualified to be chosen as a Member of the Managing Committee and such nomination shall be filed before the Returning Officer or any other person authorized by him.

6) **NOMINATIONS:**

- 1) Each nomination shall contain the consent of the proposed candidate in writing.
- 2) Nomination shall be proposed and signed by at least one individual Member competent to vote in the Election and seconded by one individual Member competent to vote in the Election.
- 3) The nomination without the consent of the proposed candidate or received after the date and time fixed for receipt of the nomination shall be liable to be rejected.
- 4) Nomination shall be accompanied by a receipt for having deposited either by cash or by way of Demand Draft drawn in favour of the Waqf not less than Rs.1,000/- (Rupees One Thousand) as specified in the Calendar of Events Notification.
- 5) If a candidate fails to secure one tenth of the valid votes polled in the Election, the amount so deposited shall be forfeited to the Waqf.
- 6) Nomination shall be scrutinized by the Returning Officer on the date notified in the Calendar of Events.
- 7) The Returning Officer shall endorse on each notice of nomination the decision of either accepting or rejecting the said nomination.
- 8) Nomination papers of contesting candidates disqualified to be elected to the Managing Committee shall be rejected and a brief statement of reasons shall be recorded for such rejection.
- 9) The Returning Officer shall, after scrutiny, prepare a list of candidates whose nominations are valid and shall publish the same on the Notice Board of the Waqf on the same day.
- 10) A candidate may withdraw his nomination by a notice in writing delivered in person before 03:00 p.m on the following day of scrutiny to the Returning Officer or any other person authorized by him.
- 11) The Returning Officer or the person authorized by him shall note the date and time of receipt of the notice of withdrawal.
- 12) A person who has given notice of withdrawal shall not be allowed to withdraw such a notice.
- 13) The Returning Officer shall on being satisfied of the genuineness of the notice of withdrawal, cause the notice of withdrawal to be published on the Notice Board of the Waqf on the same day.
- 14) After expiry of the time allowed for withdrawal, the Returning Officer shall prepare a list of valid contesting candidates in alphabetical order and publish it on the Notice Board of the Waqf.
- 15) If the number of candidates are equal to the number of Members to be elected, the Returning Officer shall declare them as elected uncontested immediately and publish the same on the Notice Board of the Waqf and deliver a copy of the result sheet to the institution on the same day and

- forward a copy of such result sheet to the District Auqaf Committee and the Board by Registered Post Acknowledgement Due or by Muddam.
- 16) If the number of contesting candidates are more than the number of Members to be elected, the names of such candidates with the symbols allotted to them shall be written or typed or printed and published on the Notice Board of the Waqf at least seven days before the date of Election.
  - 17) The Returning Officer shall allot symbols to contesting candidates except those symbols which are allotted to recognized political parties in the State.  
Explanation: For the purpose of this sub-rule a recognized political party means every political party recognized by the Election Commission of India as a National Party or as a State Party in the State of Bihar under the Election Symbols (Reservation and Allotment) Order, 1968.
  - 18) A register shall be kept at the place of Election and every voter shall sign in the register on producing the Identity Card and proceed to secure the Identification Slip. The voter shall be allowed to proceed to cast his vote.
  - 19) Poll shall be conducted between 08:00 am and 03:00 pm provided that all voters who have obtained Identification Slips before the time fixed for closing the poll and present at the polling booth shall be allowed to vote.
  - 20) The Returning Officer shall appoint as many such number of Assistant Returning Officers, Presiding Officers and Polling Officers to conduct the poll, and as many Counting Assistants to count the votes as may be necessary.
  - 21) On producing the Identification Slip the Presiding Officer or Polling Officer shall issue him a ballot paper bearing the seal of the Waqf and the signature of the Presiding Officer.
  - 22) Canvassing or soliciting of votes during the conduct of Election shall be strictly prohibited within 100 meters from the place of polling.
  - 23) Voting shall be by Ballot and a voter shall mark [X] on or near the symbol against the name of the candidate, whom he wishes to vote and fold the Ballot Paper and deposit it in the Ballot Box.
  - 24) After the polling is over, the Presiding Officer shall close the poll and deliver the Ballot Box to the Returning Officer, who shall arrange for counting, immediately after polling.
  - 25) The Counting Assistants shall arrange all valid Ballot Papers and obtain the orders of Returning Officer on the rejected Ballot Papers on the following grounds:
    - i) If it bears any signature to identify the voter.
    - ii) If it does not bear the seal of the Waqf or initial of the Presiding Officer.
    - (iii) If it contains more marks than the number of seats to be elected.
  - 26) **Completion of Counting of votes:**
    - a. If equal number of votes is polled between the candidates to be declared elected, the Returning Officer shall forthwith decide the winning candidate by lot.
    - b. The candidates who have secured the maximum number of votes shall be declared as elected.
    - c. The Returning Officer shall declare the result of Election immediately after the counting of votes and publish the list of elected candidates on the Notice Board of the Waqf and deliver a copy of it to all the contesting candidates and the Waqf on the same day.
    - d. The Returning Officer shall arrange to keep Ballot Papers, election related documents and the Register containing the signature of Members of Managing Committee and the result of counting in a



sealed box in safe custody of the Waqf preferably in the custody of the Executive Officer or a responsible paid official of the Waqf.

- e. The remuneration to be paid to the Election Officer and Officials will be fixed by the Board and the same will be paid by the Waqf.

26. ***Manner of convening the meeting of all the Members of the Managing Committee to elect Office Bearers:***

- i. The Managing Committee within 15 days from the date of declaration of results of the Election shall elect the President, Vice-President, Secretary, Treasurer and such other office bearers as required to be elected under the Scheme of Management of the Waqf. One of the elected 64 Member who is not a candidate for the Election of President or Vice-President, Secretary, Treasurer shall be chosen to preside over such meeting. The meeting shall be called by the Returning Officer or Waqf Officer by giving seven day notice sent by registered post or muddam indicating the date, time and place of meeting.
- ii. Whenever the Office of the President, Vice-President, Secretary, Treasurer and such other office bearers falls vacant due to death or resignation or for any other reason, the Managing Committee shall call a meeting in accordance with sub-clause (i) to fill up such vacancy within the period of fifteen days from the date of occurrence of such vacancy.
- iii. Not less than two hours before the time fixed for the meeting for the Election of President, Vice President or Secretary or any other office bearers, any elected Member may nominate any other elected Member for being elected as President, Vice-President or Secretary or other Office Bearers as the case may be by delivering a nomination paper to the Returning Officer or Waqf Officer.
- iv. No elected Member shall nominate under sub-clause (iii) more than one candidate for the office of the President, Vice-President or Secretary or any other Office Bearers of the Waqf. The nomination received first shall be considered for scrutiny.
- v. After the commencement of the meeting, the Returning Officer or Waqf Officer shall place before the Member presiding over the meeting (hereinafter referred to as the Presiding Authority) all the nomination papers and shall read out to the Members present at such meeting, the names of the Members who in his opinion have been duly nominated together with those of the proposers.
- vi. Any candidate may withdraw his candidature by notice in writing duly signed by him and delivered to the Presiding Authority immediately after the scrutiny of nomination papers. .
- vii. The notice of withdrawal may be given either by the candidate in person or by his proposers who had been authorized in this behalf in writing by the candidate.
- viii. No person who has given a notice of withdrawal of his candidature under sub-clause (vi) shall be allowed to cancel the notice of withdrawal.
- ix. The Presiding Authority shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it under sub-clause (vii) read out to the Member present at such meeting the names of the persons withdrawing their candidature.
- x. After the time fixed for withdrawal is over if there is only one candidate who has been validly nominated, and has not withdrawn his candidature in the manner and within the time specified, the Presiding Authority shall forthwith declare such candidature duly elected as President, Vice-President, Secretary or any other Office Bearers of the Waqf, as the case may be.
- xi. If the number of candidates who have been validly nominated and who have not withdrawn their candidature are more than one, then the Presiding Authority shall proceed to conduct the Election as hereinafter provided.
- xii. Votes shall be taken by Secret Ballot and the Members voting for and against any candidate shall record their votes in the Ballot Papers supplied to them.
- xiii. Any Member present at the meeting may refrain from voting if he so chooses to do.



- xiv. After voting by all the elected Members present, the Presiding Authority shall count the votes and declare that the candidate to whom the highest number of valid votes have been given to have been duly elected.
- xv. When there is equality of votes between any two or more candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Presiding Authority shall forth with decide between those candidates by lot in such manner as he may determine and proceed as if the candidate on whom the lot falls has received an additional vote. He shall thereafter declare the candidates on whom the lot falls to have been duly elected.
- xvi. The Presiding Authority shall cause a record of the minutes of the meeting which shall contain the names of all the elected Members present. The minutes shall be signed by the Presiding Authority as well as the Members present. The minutes shall be made available to any Member of Managing Committee for inspection.
- 27. The Board within 15 days of the receipt of the list from the District Auqaf Committee, or as early as it is convenient, shall issue order appointing the elected or selected Members as new Managing Committee in accordance with the provisions of the Act;
- 28. The newly elected Members shall be deemed to have assumed the Office of the Managing Committee (Mutawalli) of the Waqf from the date of order of the Board appointing them as Office Bearers and Members;
- 29. The power to appoint Mutawalli or Managing Committee is exclusively vested with the Board.
- 30. Sustainability of Scheme of Management: The Board is empowered to cancel or modify the Scheme at any time after it has come into force assigning reasons.
- 31. These Bye-laws in general is for the purpose of ensuring transparency in management and appointment of members to the Managing Committee of the Waqf, therefore, any difficulty in the implementation of Scheme the Waqf may propose the amendment to the Board. The decision of the Board on all matters shall be final.
- 33. Directions of the Board: All directions, instructions and circulars issued by the Board shall be implemented scrupulously from time to time.
- 33. ***ELECTION DISPUTES:***
  - i. Any dispute or any other matter relating to Election to Managing Committee shall be made within 30 days from the date of declaration of result before a Waqf Election Tribunal comprising of the Chief Executive Officer, Additional Chief Executive Officer and Chief Law Officer. The Chief Executive Officer will preside over and adjudicate on the Election petition, and the decision of the Waqf Election Tribunal shall be final and conclusive;
  - ii. The petitioner shall file the Election Petition as provided in Rule 88 with suitable modifications alongwith a verifying affidavit and a deposit of Rs.1000/- towards costs;
  - iii. The Chief Executive Officer shall exercise powers specified under Sub-Section (2) of Section 71 of the Act while hearing on the Petition;
  - iv. The Chief Executive Officer shall hear and complete the proceedings within two months of its filing;
  - vi. The Chief Executive Officer shall follow the procedure prescribed.

**Form No.43**

[ See Rule 50(1) ]

**NOTICE**

Whereas it is learnt/informed/reported that the Waqf \_\_\_\_\_ has ceased to exist or that the objects or parts thereof shown in the schedule below have ceased to exist.

**SCHEDULE**

Sl. No.	Name of Waqf / Waqf property.	Details of movable	Details of immovable property							Details of fund, if any.
			(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)	Area / Extent.	District	Circle	City / Town	Village	Usage.	
1	2	3	4	5	6	7	8	9	10	11

It is therefore hereby notified that an inquiry will be taken up regarding the said cessation and to ascertain the property and the funds of that Waqf and to order for recovery of the said property of funds and its utilization under Section 39(2) of the Waqf Act.

Any objections in this behalf shall be furnished to the undersigned on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) during the inquiry.

Chief Executive Officer/ Authorized Officer

To \_\_\_\_\_

**Form No.44**

[ See Rule 51 (1) ]

**FORM OF INFORMATION**

Information pertaining to any property which is believed to be Waqf property/whether a particular property is a Waqf property or not/whether a Waqf is Sunni or Shia.

Name of the Waqf

Date of creation/

Establishment of Waqf

District. Circle,

City/Town/Village

Name of the Mutawalli/

President/Secretary/ if any

Activities of Waqf

Details of properties

Details regarding management of the Waqf

**Signature of the Reporting Officer**

**Form No.45**

[ See Rule 51 (4) ]

**NOTICE**

Whereas the Bihar State Shia/Sunni Waqf Board(s) after inquiry under Section 40 of the Waqf Act has reason to believe that the property/properties indicated below in the schedule belongs to \_\_\_\_\_ (Name of Trust or Society) registered in pursuance of Indian Trust Act 1882/Society Registration Act, 1960 or \_\_\_\_\_ (any other Act) is/are Waqf properties.

**SCHEDULE**

Details of the property	(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)	EXTENT	Boundaries N S E W

Therefore you \_\_\_\_\_ (name of the authority by whom the Trust is registered) is hereby called upon to register the property/properties in the schedule under the Waqf Act, 1995 as amended by the Waqf (Amendment) Act, 2013, within 15 days of the service of this Notice. Failing which the Board shall proceed to register the said properties under the Act.

Dated:

**Chief Executive Officer/Authorized Officer****Form No.46**

[ See Rule 51 (4) ]

**SHOW CAUSE NOTICE**

Whereas the Bihar State Shia/Sunni Waqf Board(s) after inquiry under Section 40(3) of the Waqf Act has reason to believe that the property/properties indicated below in the schedule belongs to \_\_\_\_\_ (Name of Trust or Society) registered in pursuance of Indian Trust Act, 1882/Society Registration Act 1960 or \_\_\_\_\_ (any other Act) is/are Waqf properties.

**SCHEDULE**

Details of the property	(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)	EXTENT	Boundaries N S E W

Therefore you \_\_\_\_\_ (name of the authority by whom the Trust or Society is registered) is hereby called upon to furnish your written objection/suggestion showing cause as to why the property/properties noted in schedule should not be registered under the provisions of Waqf Act, within 15 days from the receipt of this Notice. Failing which the Board shall pass orders under Section 40 of the Waqf Act.

**Chief Executive Officer/ Authorized Officer**

**Form No.47***[ See Rule 56 (1) ]***PUBLIC NOTICE**

Whereas, a vacancy in the office of Mutawalli of ..... (Waqf institution) has arisen and as per the terms of Deed, there is no other person to be appointed against this vacancy. Hence, it is hereby notified for the information of the public or persons interested in the Waqf that Sri..... S/o .....has been proposed by the Dist. Auqaf Committee, .....District for filling up of vacancy of the Mutawalli of the said institution as per details in the schedule below for such period and under such terms and conditions as the Bihar State Shia/Sunni Waqf Board(s) may think fit.

**SCHEDULE**

1. Name of the Waqf Institution:
2. Regn. No. & Date/G.N.No. & Date
3. Details of appointment of Mutawalli under the Waqf Deed
4. Name & address of person proposed as Mutawalli under Section 63 of the Act.
5. Name of the former Mutawalli. Anyone having objections/suggestions to this proposal, may in writing inform the same to the Chief Executive Officer/authorized Officer, within seven days, from the date of publication of this Notice. Failing which, it will be presumed that there are no objections/suggestions and the Board will proceed further in appointing the person notified herein above as the Mutawalli of the above said institution under Section 63 of the Waqf Act.

**Chief Executive Officer/ Authorized Officer****Copy to concerned.****Form No.48***[ See Rule 56 (2) ]***NOTICE**

(To be issued when there is a vacancy of office of Mutawalli of a Waqf and the right of any person to act as Mutawalli is disputed)

Whereas, a vacancy in the office of .....(Waqf institution) has arisen due to .....and the right of any person to act as Mutawalli is disputed.

Hence, it is hereby notified for the information of the public or persons interested in the Waqf that a proposal received from the Dist. Auqaf Committee, .....District for the filling up of vacancy to the office of the Mutawalli of the said Waqf institution, by appointing the person noted in the schedule below for such period and under such conditions as the Bihar State Shia/Sunni Waqf Board(s) may think fit.

**SCHEDULE**

1. Name of the Waqf Institution:
2. Regn. No. & Date/G.N.No. & Date
3. Details of appointment of Mutawalli under the Waqf Deed
4. Name & address of person proposed as Mutawalli under Section 63 of the Act.
5. Name of the former Mutawalli.

Anyone having objections/suggestions to this proposal, may in writing inform the same to the Chief Executive Officer or authorized Officer, within seven days, from the date of publication of this Notice, failing which, it will be presumed that there are no objections/suggestions and the Board will proceed appointing the person notified herein above as the Mutawalli under Section 63 of the Waqf Act.

**Chief Executive Officer/ Authorized Officer****Copy to concerned.**

**Form No.49**  
[ See Rule 57(6) ]

Quarterly Progress Report by the Mutawalli/Administrator of Waqf institution, \_\_\_\_\_  
of Mohalla/Ward/Village- \_\_\_\_\_, Sub Division \_\_\_\_\_,  
District \_\_\_\_\_  
No. \_\_\_\_\_ dated \_\_\_\_\_

**I. RECEIPTS & EXPENDITURE OF GOVERNMENT SCHEMES**

Sl. No.	Name of Scheme	Grants received	Expenditure	Utilization Certificate submitted
1	Grant in aid for Waqf institutions			
2	Protection of Waqf properties			
3	Special Grants			
4	Honorarium to Pesh Imam & Mouzan			
5	MPLAD			
6	MLAD			
7	Shadi Mahal			
8	MSDP			

**II. INCOME & EXPENDITURE OF Waqf**

Sl. No.	Details of receipt	Amount	Expenditure incurred for									
			Rituals	Administration	Education	Health	Development of Waqf	Taxes	Waqf contribution	Others	Total	Balance

**III. MAINTENANCE OF PROPERTIES**

- Total number of properties registered :
- Total number of properties notified :
- No. of properties to be surveyed under subsequent survey :
- No. of properties surveyed :
- No. of properties Khatas are in the name of Waqf :
- No. of properties "Waqf property" has been 70 indicated in the Khata :
- No. of properties name boards are erected :
- No. of properties compounded :
- No. of properties commercially developed in the quarter :
- No. of properties identified as encroached or illegally transferred and reported to the District Auqaf Committee :
- No. of properties restored back to the Institution :
- Details of litigations :

**Signature of the Mutawalli**

**Form 50**  
[ See Rule 58(3) ]

**NOTICE**

Notice to Mutawalli/Secretary of .....(Waqf institution) under Section 64 (3) of the Waqf Act.

Whereas, you Sri .....S/o .....was appointed as Mutawalli/Secretary of .....(Waqf institution) vide Board's Order No. ....dated ..... for a period of ..... years and whereas, it is now reported that you have violated the provisions of the Waqf Act, and liable for action under Section 64(1) for the reasons indicated below:- (tick whichever is appropriate)

- a) Has been convicted more than once of an offence punishable under Section 61 of the Waqf Act.
- b) Has been convicted of offence of criminal breach of trust or any other offence involving moral turpitude, and such conviction has not been reversed and granted full pardon;
- c) Is of unsound mind or suffering from any other mental or physical defects or infirmity which would render unfit to perform the functions and discharge the duties of a Mutawalli,
- d) Is an undischarged insolvent:
- e) Is proved to be addicted to drinking liquor or other spirituous preparations, or is addicted to any narcotic drugs;
- f) Is employed as a paid legal practitioner on behalf of, or against, the Waqf;
- g) Has failed, without reasonable excuse, to maintain regular accounts or has failed to submit, the yearly statement of accounts, as required by sub-section (2) of Section 46 and Sub-Rule (3) of Rule 51;
- h) Is interested, directly or indirectly, in a subsisting lease in respect of the concerned Waqf or any Waqf property, or in any contract made with or any work being done for, the Waqf or is in arrears in respect of any sum due to him of such Waqf;
- i) Continuously neglects his duties or commits any misfeasance, malfeasance, misappropriation/misapplication of funds or breach of trust in relation to the Waqf or in respect of any money or other Waqf property;
- j) Willfully and persistently disobeyed the lawful orders issued by the Central Government, State Government & Board under any provision of Waqf Act or Rules or Orders made there under,
- k) Misappropriate or fraudulently dealt with the property of the Waqf.
- l) Specify any other purpose:

Therefore, by virtue of the powers conferred under Section 64(3) of the Waqf Act, notice is hereby given that an inquiry will be held under Sub Rule (2) of Rule 46 of Bihar State Waqf Rules, 2019 by the Bihar State Shia/Sunni Waqf Board(s).

You are therefore called upon to furnish your explanation, if any, to the aforesaid charges, within seven days, from the date of service of this Notice. Failing which, the Board shall proceed with the inquiry and take a decision under Section 64 of the Waqf Act.

**By Order of the Inquiry Officer**  
**appointed by Bihar State Sunni Waqf Board**

**To:**  
**Shri**

**Copy to the concerned.**



**Form No.51***[ See Rule 58 (3) ]***NOTICE**

(Notice for suspension of Mutawalli/Managing committee of .....  
..... (Waqf institution) under Section 64(5) of the Waqf Act) Whereas, action under  
Section 64 (1) is contemplated against you Sri..... S/o  
.....(Waqf Institution).

Whereas, the Bihar State Shia/Sunni Waqf Board(s), has taken up an inquiry under  
Section 64(3) of the Waqf Act therefore your continuance in this office may hamper the  
proceedings of the inquiry. Now therefore, in exercise of the powers conferred under  
Section 64 (4), the Bihar State Shia/Sunni Waqf Board(s) is of the opinion to keep you  
under suspension from the office of the Mutawalli/Secretary of Managing Committee of  
..... (Waqf institution) You are therefore, called upon to explain within seven  
days from the date of service of this notice as to why orders keeping you under suspension  
should not be issued. If you fail to furnish an explanation, the Board shall proceed in  
accordance with law and action will be taken to suspend you from the office of the  
Mutawalli/Secretary of the Managing Committee of the above said institution, until the  
conclusion of inquiry initiated under Section 64(3) of the Waqf Act.

**Chief Executive Officer**

**To:**

**Sri Mutawalli/Secretary**

.....

**Copy to the concerned.**

**Form No.52***[ See Rule 60 ]***Report regarding Waqf institutions under the direct management of the Board under Section 65 of the Waqf Act.**

1. Name of the Waqf Institution:
2. Details of Registration of institution under Section 37:
3. Order No. & date of taking the institution under direct management:
4. Name of the Official/person appointed as Administration of Waqf institution.
5. Income of the Waqf for the preceding year.
6. Steps taken by the Administrator to improve the income of Waqf.
7. Period for which the Waqf is under the direct management and reasons for not entrusting the Waqf to the Mutawalli/Managing committee during the year.
8. Details of immoveable property and the income there from.
  - (a) Location all of the immovable properties-
  - (b) Area of the individual properties of Waqf-
  - (c) Market value of each of the immovable property-
  - (d) Market value and rent in the adjoining premises-
  - (e) The present collection of rent of each premises and its rate-
  - (f) Total monthly income from each Waqf property-
  - (g) Annual total income of the Waqf Estate-
9. The object of the Waqf Estate as per Waqfnama/practice.
10. The religious practices / rituals performed by appointed Administrator.
11. The balance sheet to be attached –
12. The Bank statement of the Account be attached.
13. Details of project intended after taking the institution under direct management.
14. No of Resolutions made after taking the institution under the direct management.
15. Details of collection of arrears by way of rents/lease amount etc.
16. Details of Waqf contribution paid.
17. Recommendation of the Board to the State Government regarding continuance under direct management.
  - i)
  - ii)
  - iii)
  - iv)
18. Copies of order sanctioning expenditure by the District Minority Welfare Officer-cum-Waqf Nodel Officer of the District / any other official duly authorized by the Board be attached.

Chief Executive Officer.

**Form No.53***[ See Rule 61 (2) ]***SHOW CAUSE NOTICE****(Show Cause Notice under Section 67 (2) of the Waqf Act for superseding a Committee of Waqf)**

Whereas, a Committee for supervision/management of (Waqf institution).....  
..... constituted under Sec 67 (1) of the Waqf Act, for a term of  
.....period by the said Waqf on \_\_\_\_\_. It is now brought to the notice of the  
Board that the Committee so constituted is not performing/managing the affairs in the  
interest of Waqf for the reasons given below:-

- i)
- ii)
- iii)
- iv)
- v)

Now therefore by virtue of the powers conferred with the Bihar State Shia/Sunni Waqf Board(s) under Sub Section(2) of Section 67 of the Waqf Act, you are called upon to explain within one month from the date of issue of this Notice as to why an order of suppression of the Committee should not be passed. If no reply is received from you within the stipulated time, then the Board will proceed to pass an order under Sub Sec (2) of Section 67 of the Waqf Act.

**By Order of the Board****Chief Executive Officer****To:**

**The Secretary/President,  
Managing Committee**

.....  
.....

**Copy to the Chairman, Dist. Auqaf Committee, .....  
The concerned.**

Note: Reasons shown above shall be the complaints and written objections about the same, observation of mis-management and misuse of funds in audit report or observations of mismanagement and misuse during the course of inspection etc., shall be indicated specifically)

**Form No.54***[ See Rule 61 (4) ]***SHOW CAUSE NOTICE**

Show Cause Notice to be issued to a Member for his removal from a committee under Section 67 (6) of the Waqf Act.

Whereas Janab.....S/o.....was appointed as a Member of the Managing Committee of (Waqf institution) .....by the Board under Section 67 (1) of the Waqf Act on ..... Whereas, now there is sufficient evidence that Janab .....Member of the above said committee has abused his position in such manner or has knowingly acted in a manner prejudicial to the interests of the Waqf for the following reasons:-

- i)
- ii)
- iii)
- iv)
- v)

Therefore, by virtue of powers conferred with the Bihar State Shia/Sunni Waqf Board(s) under Sub Sec (6) of Section 67 of the Waqf Act, Janab.....is hereby called upon to show cause within seven days from the date of service of this Notice as to why an order should not be passed for your removal from the membership of the above said committee. If no reply is received, the Board shall proceed in accordance with law.

**By Order of the Board**

**Chief Executive Officer**

**To:**

**Janab.....**

**Member, Managing Committee**

.....

.....

Copy to the Chairman, Dist. Auqaf Committee, .....  
the concerned.

Note: contents be taken from complaints, report of mis-conduct of the member in the meetings of the managing committee, report from the Mutawalli/Secretary of the committee duly verified shall be indicated specifically)

**Form No.55**  
[ See Rule 62 (1) ]

**NOTICE**

(Notice under Section 69 of the Waqf Act to the Mutawalli/Managing Committee or the applicant to adopt the Scheme of Administration approved by the Board for proper administration of Waqf).

Whereas, the Bihar State Shia/Sunni Waqf Board(s) is satisfied by its own motion/as per the application made by not less than five persons interested in \_\_\_\_\_ (Waqf institution) that it is necessary/desirable to frame the Scheme of Administration for the proper administration of the Waqf under Section 69(1) of the Waqf Act.

Whereas, a Scheme of Administration is to be formed for \_\_\_\_\_ (Waqf institution) and whereas, in view of para (1) above, the Mutawalli/Secretary of Managing Committee of (Waqf institution) .....is required to propose to prepare Scheme of Administration with reference to Mansha-e-Waqif of .....(Waqf institution).

It is hereby notified that the Mutawalli/applicant shall prepare and submit the said Scheme of Administration with reference to Mandate/Mansha-e-Waqif within thirty days from the date of receipt of this Notice.

The Mutawalli is directed to furnish the copy of resolution of the Managing Committee/General Body.

**Chief Executive Officer,**

**To**

**The Mutawalli/Applicant  
of Managing Committee,**

.....  
.....

**Copy to the Chairman, Dist. Auqaf Committee, .....the concerned.**

**Form No.56***[See Rule 63(3)]***APPLICATION FOR GRANT OF LEASE  
(in pursuance to the inviting of offers/bids)****To****The Mutawalli****The .....****.....**

1. Name of applicant :  
(With age, fathers name, and :  
present profession) :
2. If the applicant is a Firm, its :  
name and constitution :
3. Address of the applicant :  
(complete with Pin Code) :
4. Purpose for which the :  
premises is required :
5. Details of the property :  
(a) where situated :  
(i) village, :  
(ii) town, :  
(iii) Circle :  
(iv) district :
6. Type of property :      AGRICULTURE/NON-AGRICULTURE :  
   SHOP/RESIDENTIAL/OFFICE :  
   OPEN SPACE
7. Area in Square feet :
8. Period for which required :
9. Market value per Sq.ft in the  
Jurisdictional Sub-Registrar office
10. Rent offered:  
(a) monthly :  
(b) yearly :
11. Security Deposit \* :      RS.....(Rupees... :  
   being equivalent of .....months rent -----

**Date****Signature of the applicant.**

---

***Declaration by the Applicant.***

*I solemnly declare that :*

- (a) I shall abide with the decision of the Mutawalli/Bihar State Shia/Sunni Waqf Board(s) regarding my application;
- (b) If any of the facts and information provided by me are found to be false, the Mutawalli/Bihar State Shia/Sunni Waqf Board(s) is at liberty to take any action against me including cancellation of the lease;
- (c) I agree to abide by the terms and condition prescribed under Waqf Property Lease Rules, 2014;
- (d) I further declare that I will not encumber the property if given on lease and I will have no right to sub lease, transfer, gift, mortgage or occupy the property leased beyond the period of lease.
- (e) That if, my occupation continue on the leased premise after the expiry of the lease period my legal status will be of encroacher and all the procedure of law of encroacher will be applicable.
- (f) I further declare that I am not a member of the managing committee of the Waqf or son or daughter, brother, sister or son of a brother and sister of any member of the managing committee;
- (g) I also agree to the condition that the security deposit is to be returned to me after the lease has expired or when the lease is terminated by Mutawalli/Board for whatever reason and that too after I vacate and hand over the vacant possession of the premises to the Mutawalli;
- (h) I am agreeable to execute any agreement within 15 days of the sanction given by the Mutawalli/Bihar State Shia/Sunni Waqf Board(s) and pay the stamp duty on the deed and get the same registered under Bihar Registration Act.

***Signature of the Applicant***



**Form No.57**  
*[See Rule 63(4)]*  
**(For below one year)**

**LEASE DEED**

**THIS DEED OF LEASE is made this the .....day of .....201**

**BETWEEN**

The .....( a Waqf registered with the Bihar State Shia/Sunni Waqf Board(s), .....), represented by the Mutawalli/President/Secretary of its managing committee with its Office at ..... (hereinafter referred to as 'the Mutawalli' and which is hereinafter called the Lessor (which expression shall mean and include its successor in office, the assigns, administrators, etc., of the ONE PART;

**AND**

Janab..... son of Janab .....  
 ..... residing at ....., hereinafter called the Lessee (which expression shall mean and include his permitted legal heirs only) of the OTHER PART;

WHEREAS Lessor is a Waqf registered/Waqf by User with the Bihar State Shia/Sunni Waqf Board(s), ..... (hereinafter referred to as 'the Board') and the immovable property which is the part of one such property, registered in accordance with the provisions of the Waqf Act which property bears survey number/assessment number/door number..... situated at.....morefully described in the schedule herein below, which portion is referred to hereinafter as the 'schedule premises' ;

WHEREAS the Lessor is the Mutawalli of the Waqf, appointed by the Board and by virtue of which, the said Mutawalli is presently administrating the Waqf;

AND WHEREAS the said Mutawalli is vested with power to grant leases of the property of Waqf evict the tenants, recover arrears of lease rent, recover damages etc. in accordance with the provisions of the Waqf Act as amended by the Waqf (Amendment) Act, 2013 and the Waqf Property Lease Rules, 2014 or any other enactment relating to leasing of Waqf properties for the time being in force;

AND WHEREAS the market value of the premises is Rs.....  
 (Rupees.....only) per square feet as per the guidance value declared by the jurisdictional Sub-Registrar and the lease rent fixed under this deed is not less than 5% of such guidance value;

This is to place on record that the Lessee has given a proposal for lease of schedule premises, in response to the call made by the Lessor inviting offers and assuring the Lessor that the Lessee is not a Member of the Managing Committee or the Lessee is not the spouse, parents, children, brothers, sisters, spouses of brothers & sisters or children of brothers and sisters of any Member of the Managing Committee and which proposal having been considered and approved by the Managing Committee of the Lessor as contemplated in the Waqf Properties Lease Rules, 2014 and abide with the terms and conditions given below:

**TERMS AND CONDITIONS**

1. That the lease shall be for a period of eleven months commencing from .....
2. The lease shall be for the purpose of carrying on the business in....., or carry on his profession in ..... only;
3. That the Lessee shall pay lease rent of Rs..... (Rupees..... only) per month;
4. That the Lessee shall pay the said lease rent, without deduction or set off, and without any notice or demand for the same from the Lessor, on or before the 5<sup>th</sup> of the month succeeding the month for which the rent is due and payable, and obtain a valid receipt;
5. That the Lessee shall deposit of a sum of Rs..... (Rupees ..... only) equivalent to ..... months lease rent, as Security Deposit.
6. That the lessee has undertaken not to create any lien or any encumbrances or assign or sub-lease, pledge or transfer the lease or create any interest therein or transfer title interest or mortgage with all or any portion of the leased premises to others.
7. That the Lessee undertakes to vacate the premises after expiry of the Lease Period, if the lease is not renewed by the Lessor.
8. That the Lessee also undertakes that continuance of the Lessee in the leased premises beyond the leased period / term will be illegal and the status of the lessee shall be that of an encroacher as defined in the Waqf Act and all the provisions of evicting the encroacher shall apply to the Lessee / its heirs / assignees / power holder.
9. The Lessee shall obtain necessary permits, trade license for the business or profession he is carrying on and pay all expenses for such permissions to the concerned authorities;
10. The Lessee shall not use the premises for any purpose other than the one for which the premises is leased; and further agrees that he shall not carry on any business that is against the Sharia, such as, gambling, sale of lottery or sale of liquor etc;
11. That the Lessee shall promptly pay all dues, such as electricity, water etc., to the concerned authorities regularly.
12. The Lessee shall at all times keep the Lessor indemnified for all dues to Government/Municipality/Tax authorities and the Lessor shall have a right to examine such payments;
13. That the Lessee shall not install or carry out any repairs to the existing installations without the prior permission of the Lessor, in writing and in the event of such permission is granted, shall ensure that such installation and repairs shall not interfere with or cause damage to the electrical or mechanical installations and that he shall repair or install such works at his cost;
14. That the Lessee shall not repair or make structural alterations to the schedule premises without written permission from the Lessor and on such permission being given shall not claim any cost therefore at the time of vacating the premises;
15. That the Lessee shall allow the Lessor or his representative to enter the premises at any hour outside the normal hours of his business for inspection of premises and Lessor assures that such inspection shall not interfere with Lessee's use of the leased premises;

16. That the Lessee has agreed that non-payment of lease rent or lease consideration for three months, consecutively, shall be treated as default resulting in termination of lease by issuing notice of one month, to Lessee;
17. That upon expiry of the term of the present lease or termination of the lease, the Lessee shall immediately surrender possession of the leased premises with all improvements and additions in the same condition, excepting normal wear and tear and upon surrender all rights, title and interest of the Lessee in such improvements or additions shall vest in the Lessor;
18. It is mutually agreed that any damage due to natural calamity to structure or installation, the matter shall be referred to the Engineers named by the Lessor;
19. In the event the assessor's report that the premises or the installations is damaged beyond repairs or not possible to restore it within 180 days the lease shall abate in which event the Lessor or Lessee may opt to terminate the lease from the date of damage with a notice of fifteen days issued to the other party and where the report of the assessor that it is possible to repair the structure, the same shall be carried out by the Lessor at his cost;
20. That on default of any of the covenants contained in this deed either party shall issue one month notice of intention, to the other party for termination of the lease;
21. On such default of conditions or covenants, the Lessor shall at its option (i) be entitled to full amount of lease rent payable; (ii) forfeit or adjust the sum out of Security Deposit for all damages done to the structure or installations; (iii) seize and sell the equipments, goods, etc., available in the premises after obtaining order from the Tribunal;
22. The original deed of lease is drawn on stamp paper shall be retained by the Lessor and a true copy be delivered to the Lessee;

The lease shall expire on the .....day of ..... 201

### Schedule

All that portion of premises bearing shop/house number.....situated in..... measuring .....feet (E-W) and .....feet (N-S); total area .....sq.ft. with fixtures, fittings, electrical and water connections, bounded on the:

East:  
West:  
North:  
South:

IN WITNESS WHEREOF, Lessor and the Lessee above named have signed this deed on the day, month and year above mentioned, in the presence of witnesses as follows:

**Lessee**

**Lessor**

**Witnesses:**

- 1.
- 2.

**FORM NO. 58**  
(See Rule No.63(4))  
(For over one year)

**LEASE DEED**

**THIS DEED OF LEASE is made this the .....day of .....201**

**BETWEEN**

**BETWEEN**

The .....( a Waqf registered with the Bihar State Shia/Sunni Waqf Board(s), .....), represented by the Mutawalli /President/Secretary of its managing committee with its Office at ..... (hereinafter referred to as 'the Mutawalli' and which is hereinafter called the Lessor (which expression shall mean and include its successor in office, the assigns, administrators, etc., of the ONE PART;

**AND**

Janab..... son of Janab ..... residing at ....., hereinafter called the Lessee (which expression shall mean and include his permitted legal heirs only) of the OTHER PART;

WHEREAS Lessor is a Waqf registered with the Bihar State Shia/Sunni Waqf Board(s), ...../Waqf by User (hereinafter referred to as 'the Board') and the immovable property which is the part of one such property, registered in accordance with the provisions of the Waqf Act which property bears survey number/assessment 80 number/door number..... situated at.....morefully described in the schedule herein below, which portion is referred to hereinafter as the 'schedule premises' ;

WHEREAS the Lessor is the Mutawalli of the Waqf, appointed by the Board and by virtue of which, the said Mutawalli is presently administrating the Waqf;

AND WHEREAS the said Mutawalli is vested with power to grant leases of the property of Waqf evict the tenants, recover arrears of lease rent, recover damages etc. in accordance with the provisions of the Waqf Act as amended by the Waqf (Amendment) Act, 2013 and the Waqf Property Lease Rules, 2014 or any other enactment relating to leasing of Waqf properties for the time being in force;

AND WHEREAS the market value of the premises is Rs..... (Rupees..... only) per square feet as per the guidance value declared by the jurisdictional Sub-Registrar and the lease rent fixed under this deed is not less than 5% of such guidance value;

This is to place on record that the Lessee has given a proposal for lease of schedule premises, in response to the call made by the Lessor inviting bids in the national dailies and assuring the Lessor that the Lessee is not a Member of the Managing Committee or the Lessee is not the spouse, parents, children, brothers, sisters, spouses of brothers & sisters or children of brothers and sisters of any Member of the Managing Committee and which proposal having been considered and approved by the Managing Committee of the Lessor was placed before the Board as contemplated in the Waqf Property Lease Rules, 2014 and the Board having considered the proposal together with the terms and conditions, conveyed its sanction in letter No. .... dated ..... in favour of the Lessee who is the highest bidder with terms and conditions given herein below:

**TERMS AND CONDITIONS**

1. That the lease shall be for a period of ..... ( ) years commencing from .....
2. That the lease shall be for the purpose of carrying on the business in....., or carry on his profession in ..... only;
3. That the Lessee shall pay lease rent of Rs..... (Rupees.....only) per month.
4. That the Lessee shall increase 5% of existing rent every year and the Lessee shall pay the said lease rent, without deduction or set off and without any notice or demand, for the same, from the Lessor, on or before the 5th of the month succeeding the month for which the rent is due and payable and obtain a valid receipt;
5. That the Lessee shall deposit a sum of Rs..... (Rupees ..... only) equivalent to ..... months lease rent, as Security Deposit before the registration of the lease deed;
6. That the lessee has undertaken not to create any lien or any encumbrances or assign or sub-lease, pledge or transfer the lease or create any interest therein or transfer title interest or mortgage with all or any portion of the leased premises to others;
7. The Lessee shall obtain necessary permits, trade license for the business or profession he is carrying on and pay all expenses/charges for such permissions or License to the concerned authorities;
8. The Lessee shall not use the premises for any purpose other than the one for which the premises is leased and further agrees that he shall not carry on any 81 business that is against the Sharia such as gambling, sale of lottery or sale of liquor, etc;
9. That the Lessee shall promptly pay all dues, such as electricity, water etc., to the concerned authorities regularly;
10. That the Lessee at all times keep the Lessor indemnified for all dues to Government/Municipality/Tax Authorities and the Lessor shall have a right to examine any documents of such payments in the possession of the Lessee;
11. That the Lessee shall not install or carry out any repairs to the existing installations without the prior permission of the Lessor, in writing and in the event of such permission is granted, the Lessee shall ensure that such installation, repairs shall not interfere with or cause damage to the electrical or mechanical installations and that he shall repair or install such works at his cost;
12. That the Lessee shall not repair or make structural alterations to the schedule premises without written permission from the Lessor and on such permission being given shall not claim any cost there-for at the time of vacating the premises;
13. That the Lessee shall allow the Lessor or his representative to enter the premises at any hour outside the normal hours of his business for inspection of premises; and Lessor assures that such inspection shall not interfere with Lessee's use of the leased premises;
14. That the Lessee has agreed that non-payment of lease rent or lease consideration for three months, consecutively, shall be treated as default resulting in termination of lease by issuing notice of one month, to Lessee by the Lessor;
15. That upon expiry of the term of the present lease, or termination of the lease, the Lessee shall immediately surrender possession of the leased premises with all improvements and additions in the same condition, excepting normal wear and tear

- and upon surrender all rights, title and interest of the Lessee in such improvements or additions shall vest in the Lessor;
16. It is mutually agreed that any damage due to natural calamity to structure or installation, the matter shall be referred to the Engineers named by the Lessor;
  17. In the event the assessors report that the premises or the installations is damaged beyond repairs or not possible to restore it within 180 days the lease shall abate in which event the Lessor or Lessee may opt to terminate the lease from the date of damage with a notice of fifteen days issued to the other party and where the report of the assessor that it is possible to repair the structure the same shall be carried out by the Lessor at his cost;
  18. That on default of any of the covenants contained in this deed either party shall issue one month notice of intention, to the other party for termination of the lease;
  19. On such default of conditions or covenants, the Lessor shall at its option (i) be entitled to full amount of lease rent payable; (ii) forfeit or adjust the sum out of security deposit for all damages done to the structure or installations (iii) seize and sell the equipments, goods, etc., available in the premises after obtaining order from the Tribunal;
  20. That the Lessee undertakes to vacate the premises after expiry of the Lease Period.
  21. That the Lessee also undertakes that continuance of the Lessee in the leased premises beyond the leased period / term will be illegal and the status of the lessee shall be that of an encroacher as defined in the Waqf Act and all the provisions of evicting the encroacher shall apply to the Lessee / its heirs / assignees / power holder.
  22. The stamp duty and registration charges on this deed shall be paid by the Lessee;
  23. The original deed of lease is drawn on stamp paper shall be retained by the Lessor and a true copy be delivered to the Lessee;

The lease shall expire on the .....day of ..... 201

### **Schedule**

All that portion of premises bearing shop/house number.....situated in..... measuring .....feet (E-W) and .....feet (N-S); total area .....sq.ft. with fixtures, fittings, electrical and water connections, bounded on the:

East:

West:

North:

South:

IN WITNESS WHEREOF, Lessor and the Lessee above named have signed this deed on the day, month and year above mentioned, in the presence of witnesses as follows:

**Lessee**

**Lessor**

**Witnesses:**

1.

2.



**Form No.59**  
[ See Rule 65(1) ]

**See Section 52 of the Waqf Act.**

**Office of the Chief Executive Officer  
Bihar State Shia/Sunni Waqf Board(s)  
Date:**

**To**

**The Sub Registrar**

.....

.....

**Sir,**

**Sub: Transfer of immovable Waqf Property in contravention of Section 51 of Waqf Act 1995- issue of certified copies of Deed of Transfer-Reg.**

It is learnt/informed that the property shown in the Schedule below and notified as a Waqf property and registered in the Register of Auqaf under Section 37 of Waqf Act, has been transferred in contravention of Section 51 of the Waqf Act, without obtaining prior approval of the Bihar State Shia/Sunni Waqf Board(s).

**SCHEDULE**

<b>Sl. No.</b>	<b>(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No.(Old/New)</b>	<b>Circle / Village / Town</b>	<b>Extent / Dimension</b>	<b>Boundaries</b>

In order to initiate action as per Section 52 of the Waqf Act and the Rules made there under certified copies of Transfer Deed and the encumbrance of the property are required. You are hereby requested to furnish the above documents within 2 days.

Sri.....is authorized to receive the documents cited above from you in person and his signature is attested below.

**Chief Executive Officer  
Bihar State Shia/Sunni Waqf Board(s)**

**Signature Attested by**



**Form No.60***[ See Rule 65 (3) ]***NOTICE TO TRANSFEROR**

Whereas the properties shown below in the Schedule are registered Waqf properties which are registered Under Section 36 and 37 of the Waqf Act and that you are appointed as Mutawalli/Secretary of Managing Committee to supervise and manage the said immovable properties.

Whereas it is now learnt/informed that these immovable properties has been transferred by you, without prior permission / sanction of the Waqf Board and thereby there is violation of Section 51 of the Waqf Act.

**SCHEDULE**

Sl. No.	(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)	Circle / Village / Town	Extent / Dimension	Boundaries

You are therefore called upon to explain/produce any documentary evidence for not having violated the provisions of Section 51 of the Waqf Act within seven (7) days from the receipt of this notice, failing which the Board shall proceed under Section 52 & 52A of the Waqf Act for the recovery of this immovable property. The board shall also proceed against you under Section 61 (2) (b) of the Waqf Act.

**Chief Executive Officer/ Authorized Officer  
Bihar State Shia/Sunni Waqf Board(s).**

**To:**

.....  
.....  
.....

**Form No.60 A***[ See Rule 65 (3) ]***NOTICE TO TRANSFEREE/PURCHASER**

Whereas the properties shown below in the Schedule are Waqf properties are duly registered under Section 36 & 37 of the Waqf Act.

Whereas it is learnt/informed that you are in possession of the Scheduled property of Waqf by way of transfer/gift/sale/mortgage/exchange vide document No.....dated.....registered in office of Sub-Registrar.....

**SCHEDULE**

Sl. No.	(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)	Circle / Village / Town	Extent / Dimension	Boundaries

Whereas, it is now learnt after due verification that the said transfer is in violation of the Section 51 & 56 of the Waqf Act. Therefore, you are called upon to explain as to why action should not be taken to recover the said property under Sections 52 & 52-A of the Waqf Act within seven (7) days from the date of receipt of this Notice. Failing which further action will be taken by the Bihar State Shia/Sunni Waqf Board(s).

**Chief Executive Officer,  
Bihar State Shia/Sunni Waqf Board(s).**

**To:**

.....  
.....

**Form No.61**  
[ See Rule 65 (4) ]

**Report of alienation of Waqf Property in violation of Section 51 of the Waqf Act.**

1. Name of the Waqf Institution
2. Registration No. of the Waqf Institution & date
3. Whether Muzarai Waqf
4. Name of the Mutawalli/Secretary of Managing Committee with the details of the Order of appointment etc. and the term.
5. Name of the Administrator, details of order of appointment etc. with term
6. Details of all the Waqf properties belonging to Waqf institution.

Sl. No.	(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)	Total Extent.	Boundaries NSEW	Present usage.	Income derived.

7. Details of Waqf properties transferred in violation of Section 51 of Waqf Act.
8. Whether the transfer is by Gift/Sale/Exchange/Mortgage
9. Details of documents of transfer.

Registration No.	Date of Registration	Name of office of Registration	Name of the Transferer	Name of the Transferee

1. Date of issue of notices to  
Transferor..... Transferee.....
2. Details of objections, if any filed and the date of filing of objections both by  
Transferor and Transferee.
12. Recommendation of the Chief Executive Officer
  - 1.
  - 2.
  - 3.
13. Recommendation of the Chief Executive Officer under Section 52A of the Waqf Act.

**Chief Executive Officer/ Authorized Officer**

**Form No.62**  
[ See Rule 65 (5) ]

**Office of the Chief Executive Officer Bihar  
State Shia/Sunni Waqf Board(s)**

**Dated :**

Requisition to the District Magistrate / Sub Divisional Magistrate of .....  
District under Section 52 (1) of Waqf Act for recovery of Waqf property transferred in  
contravention of Section 51/56 of Waqf Act.

Whereas the immovable property noted in the schedule is a Waqf property entered  
in the Register of Bihar State Shia/Sunni Waqf Board(s).

Whereas under Sub Section (1) of Section 52 of Waqf Act it is confirmed that the  
said property is transferred (as per details in the schedule) in contravention of Section  
51/56 of the Waqf Act.

**Schedule**

Name of Waqf	Reg. No. and Date / Gazete Notification No. & Date	Details Property			Date of Alienation of the Waqf	Document No. of Sub Reg.	Name and address of the Transferer	Name and address of the Transferee (s) Purchaser(s)	Remarks
		Village / Town / City	(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No. (Old/New)	Area					
1	2	3	4	5	6	7	8	9	10

Now therefore, in exercise of the powers conferred upon the Board under Sub  
Section (1) of Section 52 of the Act, the District Magistrate .....District is  
requested to pass an Order exercising its powers under the Waqf Act and any other law  
and also directing the person/persons shown in column (9) of the schedule to deliver the  
property to the Board within a period of thirty (30) days from the date of orders of the  
District Magistrate.

The said order shall be served in the manner laid down in Sub Section (3) of  
Section 52 of the Act.

The District Magistrate / Sub Divisional Magistrate, \_\_\_\_\_, shall obtain  
and deliver the possession of property as per Section 55 of the Waqf Act.

A copy of the Order passed by the District Magistrate / Sub Divisional Magistrate  
.....District may be sent to this office, a copy to the Circle Officer of the  
Revenue Sub-Division, to the District Auqaf Committee of ..... Sub  
Division / District and to the concerned Institution.

**Chief Executive Officer**

**Form No.63**  
[ See Rule 65 (6) ]

**Office of the Chief Executive Officer  
Bihar State Shia/ Sunni Waqf Board(s)**

**Dated :**

Requisition to the District Magistrate / Sub Divisional Magistrate of .....Sub Division / District under Section 52 (1) of Waqf Act for recovery of Waqf property transferred in contravention of Section 51/56 of Waqf Act.

Whereas the immovable property noted in the schedule is a Waqf property entered in the Register of Bihar State Shia/Sunni Waqf Board(s).

Whereas under Sub Section (1) of Section 52 of Waqf Act it is confirmed that the said property is transferred (as per details in the schedule) in contravention of Section 51/56 of the Waqf Act.

**Schedule**

Name of Waqf	Reg. No. and Date / Gazete Notification No. & Date	Details Property			Date of Alienation of the Waqf	Document No. of Sub Reg.	Name and address of the Transferer	Name and address of the Transferee (s) Purchaser(s)	Remarks
		Village / Town / City	(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No. (Old/New)	Area					
1	2	3	4	5	6	7	8	9	10

Now therefore, in exercise of the powers conferred upon the Board under Sub Section (1) of Section 52 of the Act, the District Magistrate / Sub Divisional Officer .....District shall obtain and deliver the possession of property so transferred in contravention of Section 51 & 56 to the concerned Institution.

**Chief Executive Officer**

**Form No.64**

[ See Rule 66 (1) ]

**[Application for purchase of immovable property]**

1. Name of the Waqf Institution:
2. Registration No. & Date / GN No. & Date  
(copy of the same be enclosed)
3. Name of the Mutawalli/President or Secretary Managing Committee
4. Date of appointment of the Mutawalli/Managing Committee & term
5. Details of immoveable property (1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New). Extent / Village / Town / City already owned by the institution Khanasumari No. Area
6. Total annual income of the Waqf as per audited statement of accounts for the past three years
7. Details of property proposed to be acquired by the Waqf
  - i) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)
  - ii) Extent/Dimension
  - iii) Name of the Seller
  - iv) Details of buildings/ structures on the property (in the case of Urban property)
  - v) Wet/Dry land (in case of Agricultural land)
  - vi) Value as per sale statistic-of the Sub-Registrar for the past five years.
  - vii) Market value of the proposed property to be purchased
  - viii) Consideration for the settlement is made
  - ix) Litigation, if any on the said property for purchase
  - x) Purpose for which the said immoveable property is acquired. Enclosure to the application:
    - a) Registration Certificate/Gazette Notification of the Waqf Institution
    - b) Khata of the property to be purchased
    - c) Declaration
    - d) Previous Sale Deed
    - e) No objection from the Seller
    - f) Resolution of the Managing Committee to purchase property
    - g) Statement of accounts of the previous year
    - h) Encumbrance Certificate of the property

**Signature of the Mutawalli/  
Secretary, Managing Committee**

**DECLARATION**

I, .....Mutawalli/Secretary of the Managing Committee of .....hereby declare that the above information furnished is true to the best of my knowledge.

I also declare that the proposed acquisition of the immoveable property is for a bonafide purpose to develop the Waqf institution to increase its income generating capacity.

If any of the above statement is found to be false, then I am liable to be prosecuted under Section 61 (2) (b) of the Waqf Act. Signature of the Mutawalli/ Secretary, Managing Committee of .....

**Form No.65**  
[ See Rule 66 (2) ]

**Notification regarding the acquisition of immoveable property  
by a Waqf under Sec 53 of the Waqf Act.**

Whereas, the Mutawalli/Secretary of .....  
..... has submitted an application dated..... for acquiring  
the immoveable property noted in the schedule below, out of its own funds under Section  
53 of the Act and sub rule (1) of Rule 56 of Bihar State Waqf Rules, 2014.

**SCHEDULE**

Name of the Waqf	Details of immovable property proposed for purchase				Amount proposed for purchase
	Village / Town / City	(1) Mouza / Revenue Thana / Circle Khata No./ Khesra No. (Old/New)	Extent / Dimension	Boundaries NSEW	
1	2	3	4	5	6

Now, therefore in exercise of the powers conferred under Section 53, it is informed to the general public and any person interested in this Waqf to file objections/suggestion, if any, in respect of the said transaction to the Board within ten days from the date of publication of this Notification. The Objections/suggestions if any, shall be addressed to the Chief Executive Officer of the Bihar State Shia/Sunni Waqf Board(s).

**Dated:**

**Chief Executive Officer,  
Bihar State Board of Aquaf.**

**Form No.66**  
[ See Rule 67 (1) ]

**NOTICE**

Notice to Encroachers under Section 54 of the Waqf Act regarding encroachment of land/building/space/other properties on Waqf property belonging to .....

Whereas a complaint is received/it is informed to the Board/it is learnt that you have encroached..... extent/dimension of land/building/space/property belonging to .....(Waqf institution) more fully described in the schedule below which is a registered Waqf property.

Therefore, you are hereby called upon to furnish your explanation within 15 days from the date of service of this notice. Failing which further action will be initiated in accordance with the provisions of the Waqf Act and Rules made there under.

**Schedule**

1. Name of the Waqf Institution
2. Name of the Encroacher
3. Property No.
4. Total extent of property encroached
5. Boundaries of the encroached property:  
North  
South  
East  
West

**Chief Executive Officer/Authorized Officer.**

**To**

.....

.....

**(Name & Address of encroacher)**

Copy to the Mutawalli/Secretary of..... (Waqf institution) for information.



**Form No. 67**  
[ See Rule 68(1) ]

No. \_\_\_\_\_

Date: \_\_\_\_\_

From

The Chief Executive Officer,  
Bihar State Shia/Sunni Waqf Board(s),  
\_\_\_\_\_.

To

The Sub-Divisional Magistrate/  
Executive Magistrate of  
\_\_\_\_\_

Sir,

Sub: Removal of encroachment of Waqf property. Enforcement of Orders made under Section 54(5) of Waqf (Amendment) Act, 2013.

Ref: Order of the Bihar State Waqf Tribunal bearing No. \_\_\_\_\_ Dated \_\_\_\_\_.

Whereas, the order referred to above was served upon the below mentioned encroacher to evict him from the encroached property mentioned hereunder. The Officer authorized by this office has made efforts to take possession of the Waqf property. The Encroacher did not hand over the possession.

Sl. No.	Name of the Waqf institution	Name and address of the encroacher	Name of the Town / Village where the property is situated.	(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)	Extent in acres / sq. ft.	Boundaries
1	2	3	4	5	6	7

In pursuance of Section 55 of Waqf (Amendment) Act, 2013, I refer the order of the Tribunal (copy enclosed) to you as the aforesaid property is within the limits of your jurisdiction with a request to remove the encroachment or, as the case may be vacate the land, building, space or other property and to deliver possession thereof to the concerned Mutawalli. For this purpose, you may take such police assistance as may be necessary. Action taken may be reported to this office at the earliest.

Yours faithfully,

**Chief Executive Officer,  
Bihar State Shia/Sunni Waqf Board(s).**

Copy to:

1. The Waqf Officer, District Auqaf Committee, \_\_\_\_\_ District, for necessary action.
2. The Mutawalli of the concerned Waqf institution to take over the possession.

**Form No.68**  
[ See Rule 68(2) ]

Proceedings of the Executive Magistrate.....

Sub: Removal of encroachment under Section 55 of the Waqf Act on immovable property belonging to..... (Waqf institution)- regarding.

Whereas, the Chief Executive Officer, Bihar State Shia/Sunni Waqf Board(s), has made an application to the Executive Magistrate,..... for removing the encroachment from the immovable Waqf property shown in the schedule to this order belonging to ..... (Waqf institution).

Whereas the Waqf Tribunal by virtue of powers conferred under Sub-Section(4) of Section 54 of the Waqf Act has passed an order against the encroacher directing to remove the said encroachment and to deliver the possession of the same to the Mutawalli/Managing Committee of \_\_\_\_\_ institution.

Whereas, the encroacher.....has failed to comply with the said order, and hence the Chief Executive Officer has made an application under Section 55 of the Waqf Act.

Now, therefore, by virtue of the powers conferred under Section 55 of the Waqf Act, the following order is issued:

**ORDER NO.**

**DATED:**

I, ..... Executive Magistrate..... District, after careful consideration of the application of the Chief Executive Officer of the Bihar State Shia/Sunni Waqf Board(s) under Section 55 of the Waqf Act and also after having perused the orders under Section 54 (4) of the Act, hereby order for removal of encroachment and to evict the encroacher Sri ..... S/o. .... from the Waqf property shown in the schedule to this order, within eight days from the receipt of this order and deliver possession of the said property to Sri ..... Mutawalli/Secretary of ..... (Waqf institution).

**Schedule**

SI. No.	Name of Waqf	Name of the Mutawalli / Secretary of Managing Committee	Name & Address of	Details of encroachment							Remarks
				District	Town	Circle	Village	(1) Mouza / Revenue Thana / Circle Khata No./Khesra No.(Old/New)	Extent Encroached	Boundaries NSEW	
1	2	3	4	5	6	7	8	9	10	11	12

In default of the above order, removal of the encroachment and eviction of the encroacher will be taken up with police assistance as may be necessary for the purpose.

Pronounced this day.....

**Court Seal**

**(Executive Magistrate)**

To:

Shri.....  
 .....  
 .....  
 (encroacher)

Copy submitted to the Chief Executive Officer, Bihar State Shia/Sunni Waqf Board(s),  
 \_\_\_\_\_.

1. The District Magistrate, .....
2. The Sub Divisional Officer, .....
3. The Mutawalli/Secretary, Managing Committee.....

**Form No.69**  
[ See Rule 70]

**APPLICATION**

**(Application for an inquiry relating to the administration of  
Waqf under Section 70 of the Waqf Act)**

1. Name & address of the applicant:
2. Age
3. Name of the Waqf against which allegation is made
4. Nature and interest of the applicant in the Waqf.
5. Details of allegations:
  - i)
  - ii)
  - iii)
  - iv)
  - v)
6. Details of documents enclosed in support of allegations:
  - i)
  - ii)
  - iii)
  - iv)
  - v)
7. Name & address of the Mutawalli/President/Secretary & Members of the Managing Committee against whom allegations are made
8. If the allegation pertains to misuse of immoveable property, details of such property be furnished as under:-
  - i) Mouza / Revenue Thana / Circle / Khata No./Khesra No.(Old/New)
  - ii) Khata extract/Record of Rights
  - iii) Details of sale agreement/Registered documents if any:
  - iv) Name & address of the purchaser/lessee/mortgage of the property
  - v) Amount received during the transaction:
9. Details of fee paid with D.D.No.] & Receipt No. (to be enclosed)
10. Whether affidavit on a non-judicial stamp paper is enclosed.

**Signature of the applicant**  
**Mobile No.**

**Place:**

**Date:**

**DECLARATION**

I, ..... hereby declare that that information furnished above, is true to the best of my knowledge, belief and shall be available to furnish any documents/depositions when called upon to do so.

Signature of the applicant

**PROFORMA OF AFFIDAVIT**

I, ..... S/o .....aged  
about ..... years, residing at ..... do hereby  
solemnly affirm and declare on oath as under:

- a) That I have filed an application under Section 70 of the Waqf Act in the prescribed form for instituting an inquiry relating to the administration of the .....  
(Waqf Institution)
- b) That I am a citizen of India and I have interest in the said Waqf by virtue of I being a Muslim/resident of the area/ordinary member of the above Waqf/office bearer/member of the Managing Committee/Mutawalli of the above said institution.
- c) That the allegation made in the application are in the best interest of the Waqf institution and I am fully aware of the facts given in the application.
- d) That I have fully gone through the provisions of the Waqf Act 1995 and the Scheme of administration of .....(Waqf intuition)
- e) That the allegations made by me relates to violation under the provisions of the Waqf Act.

DEPONENT

WITNESSES:

- 1.
- 2.

**“Sworn before me”**

**(Affidavit should be sworn to before the 1<sup>st</sup> Class Executive Magistrate/Notary on a non-judicial Stamp paper)**

**Form No.70**  
[ See Rule 71 (1) ]

**NOTICE**

**(Notice to a Waqf regarding the allegation made under Section 70 of the Waqf Act)**

Whereas an application under Section 70 of the Waqf Act is filed by Janab .....  
residing at No. ....  
making allegations against the Waqf .....

Enclosed is a copy of the application filed under Rule 68 of Bihar State Waqf Rules, 2014. You are hereby directed to furnish your reply to the said allegations alongwith the required documents within seven days from the date of receipt of this Notice.

If you fail to furnish your reply within the stipulated time, it will be presumed that you have no explanation on the above allegations and allegations made in the said application will be accepted and the Board shall proceed to hold an inquiry under Section 71 of the Waqf Act.

**Chief Executive Officer**

**To**

**Copy to the concerned.**

**Form No.71**  
[ See Rule 71 (4) ]

**Summons for Appearance or for Production of Documents**

**To**

Sri ..... Son of ..... residing at .....  
..... (address)

Whereas for the purpose of an inquiry into ..... (here specify the subject of the inquiry) your attendance is considered necessary to examine as a party to give evidence/as a witness/to produce documents. You are hereby summoned to appear in person before the undersigned in his office on ..... (here specify time and date) for the; purpose of giving evidence/to produce the document specified in the margin or for both.

Given under my hand this day of .....

**Signature Designation**

**Form No.72**  
[ See Rule 72 ]

**Annual Budget Estimate of Waqf for 20\_\_\_\_\_ 20\_\_\_\_\_**

**A B S T R A C T**

Actual for 20__20	Sanctioned estimate for Current year 20__20	Revised estimate for current year		Total Budget Estimate for year 20__20
		Actuals for 08 months	Probable expenditure for 4 months	

Opening Balance

Total \_\_\_\_\_

Receipts (statement I)

Total \_\_\_\_\_

Expenditure (statement II)

Total \_\_\_\_\_

Closing Balance

Total \_\_\_\_\_

Statement I (Receipts)

Sl. No.	Particulars	Actuals for previous	Actuals for year of report	Revised Budget for the current year	Budget Estimate for ensuing year	Remarks

1. Opening Balance
2. Cash at Bank
3. On hand (Cash, Cheque & D.D.)
4. Income from Rentals:
  - a. Residential buildings
  - b. Office complex's
  - c. Shops
  - d. Schools
  - e. Shadi Mahal
  - f. Others
 Total:
5. Security Deposits
6. Income from Hundi
7. Income from Agriculture Land:
  - a. Sale of Agricultural Crops
  - b. Sale of usufructs of trees (income from fasal)
  - c. Sale of trees
  - d. Annuity
  - e. Tasdik Allowance
  - f. Cash Grants Total:



8. A) Miscellaneous receipts:
- Nazar/Presents
  - Subscription fee
  - Meelad/Raman Donation
  - Nikah fee
  - Skin
  - Golak collections
  - Others Total:
8. B) Receipts from:
- Grant-in-aid
  - Loan recovered
  - Salary & Festival advance recovered
  - Interest from Bank
  - Loan from Central Waqf Council, New-Delhi
  - Fixed Deposit Receipts
  - Royalty/E.M.D
  - Others
- Total:
9. Any other receipts
- Grand Total :

## Statement II (Expenditure)

Sl. No.	Particulars	Actuals for previous	Actuals for year of report	Revised Budget for the current year	Budget Estimate for ensuing year	Remarks

- General Administration
- Salaries
- T.A.
- Office Expenses:
  - Purchase of furniture
  - Purchase of stationery & forms:
    - Printing of Receipts
    - Printing/Purchase of Books of Accounts
  - Postal Charges/Courier Charges
  - Telephone Charges
  - Water Charges
  - Electrical Charges
  - Internet Expenses
  - Purchase of Vessels
  - Purchase of Machinery & Electrical Items
  - Repairs & Annual maintenance expenses
  - Meeting Expenses
- Total:
- Legal Expenses
- Audit Expenses
- Corporation/Municipal/Land Tax
- Waqf contribution of Board
- Others
- Total :

- II Capital Expenditure  
 (i) Construction Expenses  
 (ii) Repairs, renovation & maintenance expenses  
 (iii) Repayment of Loan/Advances  
 (iv) Security deposit  
 (v) Building License/Plan Fee  
 (vi) Royalty  
 (vii) E.M.D.  
 (viii) Others  
 Total:
- III Charitable Expenses  
 (i) Scholarship/Freeship  
 (ii) Medical Expenses  
 (iii) Marriage Expenses  
 (iv) Other expenses  
 Total :
- IV Festival Expenses  
 (i) Meelad  
 (ii) Shab-e-Meraj  
 (iii) Shab-e-Qadar  
 (iv) Shab-e-Barat  
 (v) Idgah/Mosque/Dargah expenses  
 (vi) Urs  
 Total:
- V Miscellaneous Expenses  
 (i)  
 (ii)  
 Total:  
 Grand Total:

**Form No.73**  
*[ See Rule 73 (3) ]*

### LIST OF AUQAF

List of Auqaf under direct management as on \_\_\_\_\_ for preparation of Budget under Section 45.

Sl. No.	Name of Waqf	Name of the Administrator	Order No. date period of direct management.

**Dated:**

**Chief Executive Officer**  
**Bihar State Shia/Sunni Waqf Board(s)**

**Form No.74**  
[ See Rule 73 (4) ]

**From:**  
**The Chief Executive Officer,**  
**Bihar State Shia/Sunni Waqf Board(s),**  
\_\_\_\_\_.

**To**

\_\_\_\_\_

\_\_\_\_\_

Sir,

Sub: Preparation of Budget proposals by Waqfs under direct management.  
The \_\_\_\_\_ Waqf is under direct management of the Bihar State Shia/Sunni Waqf Board(s) under Section 65 as per Order No. \_\_\_\_\_ dated \_\_\_\_\_ for a period of \_\_\_\_\_.

As per Section 45 of Waqf Act, the Budget of the above institution needs to be placed before the Board. Therefore you are requested to prepare and furnish the Budget covering the estimated receipts and expenditure in the Form No.72 under Rule 72 with a statement giving details of the increase if any with income of the Waqf and also steps taken for its better management in Form No.75 under Rule 73.

The Budget prepared shall reach the undersigned by the end of November \_\_\_\_\_ (Year).

Dated:

**Chief Executive Officer/  
Authorized Officer  
Bihar State Shia/Sunni Waqf Board(s)**

**Form No.75**  
[See Rule 73 (6)]

**Statement giving details of increase in the income of Waqf under direct management.**

**Name of Waqf**

**District :**

1	2	3	4	5
Sl. No.	Details of income	Order No. date of taking over under direct management	Details of increase in immovable property after taking over under direct management.	Increase in the income, if any.
1	2	3	4	5

- 1) (Details to be furnished from the Statement I receipts of Budget)

**Dated:**

**Signature of Administrator**

**Form No.76***[See Rule 74 (1) (i) ]***Cash Book Receipts**

Date of Receipt	Receipt No.	Loans	Golak / Nazar / Chadar	Govt. Grants	Rents	Misc.	Cash on hand	Amount deposited in Bank	
								Date	Amount
1	2	3	4	5	6	7	8	9	10

**Payments**

Particulars of payment								
Date of Payment	Voucher No.	Waqf contribution	Salary	T.A.	Office expenses	Misc.	Payment made by cash / Cheque / D.D.	Bank amount Cheque No.
1	2	3	4	5	6	7	8	9

Date:

Signature of the Mutawalli/ Managing Committee

**Form No.77***[See Rule 74 (1) (ii) ]***Receipt Book**

Sl. No.	Date	Particulars / Name of the Party	Receipt No.	Date	Amount Received			Purpose
					Cash	Cheque	D.D.	
1	2	3	4	5	6	7	8	9

Date:

Signature of the Mutawalli/ Managing Committee

**FORM NO 78***{See Rule 74 (1) (iii)}***REGISTER OF DEMAND, COLLECTION & BALANCE OF WAQF CONTRIBUTION**

Name of the Waqf	Net Income fixed	7% Waqf contribution	Details of Waqf Contribution payable to Board			Date of payment	Amount paid (cash, cheque or DD)	Receipt No. & Date	Balance (6-8)	Remarks
			Arrears	Current year Demand	Total Waqf Contribution Due					
1	2	3	4	5	6	7	8	9	10	11

Date:

Signature of the Mutawalli/ Managing Committee

**Form No.79***[See Rule 74 (1) (iv) ]***Register of Golak Collection**

Name of Waqf	Date of opening Golak	Amount found	Nazar's (approximate cost).	Remittance to the Bank		Remarks
				Date	Amount	
1	2	3	4	5	6	7

**Date:****Signature of the Mutawalli/ Managing Committee****Form No.80***[See Rule 74 (1) (v) ]***Register of collection of rentals for the month of \_\_\_\_\_****Details of Collection**

SI. No.	Name and address of the Lessee	Details of property leased out	Opening Balance	Monthly Rent		Total Demand Col. 4+5+6	Amount Collected	Balance	Receipt No. & Date	Initials of the Ledger Clerk / Secretary	Remarks
				Month & Year	Amount						
1	2	3	4	5	6	7	8	9	10	11	12

**Date:****Signature of the Mutawalli/ Managing Committee****Form No.81***[See Rule 74(1) (vi) ]***Register of Inspection Book**

SI. No.	Date of Inspection	Name & Designation of Inspecting Authority	Observations made.

**Date:****Signature of the Mutawalli/ Managing Committee**

**Form No.82***[See Rule 74 (1) (vii) ]***Register of Meetings**

Sl. No.	Date and Place of Meeting	No. of Member		No. of subjects in the agenda	No. of subjects discussed	No. of subjects approved	No. of subjects deferred	Remarks
		Present	Absent					
1	2	3	4	5	6	7	8	9

**Date:****Signature of the Mutawalli/ Managing Committee****Form No.83***[See Rule 74 (1) (viii) ]***Register of Minutes**

Sl. No.	Subject	Date of Meeting	Resolution passed.

**Date:****Signature of the Mutawalli/ Managing Committee****Form No.84***[See Rule 74(1) (ix) ]***Register of Loans**

Sl. NO.	Purpose of Loan	Sanctioning authority / No. & Date of order	Date of Receipt of loan	Amount of Loan	Rate of interest	No. of Installments in which loan is to be repaid.	Amount of each Installment	Details of payment		Remarks
								Installment No.	Amount	
1	2	3	4	5	6	7	8	9	10	11

**Dated:****Signature of the Mutawalli/ Managing Committee**

**Form No.85***[See Rule 74 (1)(x) ]***Register of Grants**

Sl. No.	Purpose of Grant	Sanctioning authority / No. & Date of Order.	Date of receipt of Grant.	Amount of Grant	Date of submission of utilization certificate	Remarks
1	2	3	4	5	6	7

**Dated:****Signature of the Mutawalli/ Managing Committee****Form No.86***[See Rule 74 (1) (xi) ]***Register of Security Deposits Details of Deposits**

Sl. No.	Security Deposits obtained from	Purpose of security deposit	Amount of security deposit.	Date of receipt	Date of refund	Deposit held in Account No.
1	2	3	4	5	6	7

**Dated:****Signature of the Mutawalli/ Managing Committee****Form No.86(A)***[See Rule 74 (1) (xi)]***REGISTER OF INTEREST ACCRUED ON TERM DEPOSITS AND OTHERS IN THE BANK ACCOUNTS OF WAQF \_\_\_\_\_**

Sl. No.	Name of the Bank	Account No.	TDR No.	Interest accrued	Amount utilized for destitute	Balance

**Signature of the Mutawalli /  
President/Secretary of Waqf institution.**



**Form No.87***[See Rule 74 (1) (xii)]***Register of Investments/Term Deposits**

SI. No.	Organization with which investment is made	Nature of investment	Amount invested.	Date of investment	Period of investment	Due date of maturity	Amount on maturity	Remarks
1	2	3	4	5	6	7	8	9

**Dated:****Signature of the Mutawalli/ Managing Committee****Form No.88***[See Rule 74 (1) (xiii)]***Register of Litigation (Details of cases)**

SI. No.	Name of Court	Date of the case filed	Case No.	Name of the petitioners / Respondent	Provision under which filed.	Name of the Advocate	Legal Fees paid	Stage of the case.
1	2	3	4	5	6	7	8	9

**Date:****Signature of the Mutawalli/ Managing Committee****Form No.89***[ See Rule 74 (1) (xiv) ]***Register of Stock & utilization**

SI. No.	Invoice / Bill No. Date	Name of the Firm	Details of the articles purchased.	Quantity	Cost	Quality Utilized	Balance	Remarks
1	2	3	4	5	6	7	8	9

**Dated:****Signature of the Mutawalli/ Managing Committee**

**Form No.90**  
[ See Rule 74 (2) ]

**Statement of Accounts for the year 20\_\_\_\_\_ 20\_\_\_\_\_**

Sl. No.	Particulars	Rs.
1)	Opening Balance:	
a)	Amount in Bank.....	
b)	Cash on hand	
2)	Income from Rentals:	
I.	a] Buildings	
	b] Shops	
	c] Schools	
	d] Shadi Mahal	
	e] Others	
II	a] Security Deposits	
3)	Income from Agriculture	
a)	Sale of Agriculture Produce	
b)	Sale of usufructs of Trees	
c)	Sale of Trees	
d)	Annuity	
e)	Tasdiq Allowance	
f)	Cash Grants	
g)	Others	
4)	Income from any other sources:	
a)	Subscription Fee	
b)	Donations	
c)	Nikah Fee	
d)	Golak Collection	
e)	Nazar/Presents	
f)	Skin	
g)	Others	
5)	Miscellaneous Receipts :	
a)	Grant-in-Aid	
b)	Recovery of Loan	
c)	Recovery of Festival Advance	
d)	Interest from Bank	
e)	Loan from C.W.C./S.W.C/NAWADCO	
f)	Fixed Deposit	
g)	Other receipts _____	
	Total _____	

**Expenditure**

Sl. No.	Particulars	Rs.
I	General Administration :	
1)	Salaries	
2)	Travelling Allowance	
3)	Office Expenses:	
i)	Purchase of Furniture	
ii)	Purchase of Stationery/Forms/etc.	
4)	Printing charges	

	5)	Postal charges	
	6)	Telephone charges	
	7)	Water charges	
	8)	Electrical charges	
	9)	Meeting expenses	
	10)	Legal expenses	
	11)	Audit expenses	
	12)	Corporation/Municipal/Land Tax	
	13)	Waqf contribution to Board	
	14)	Other expenditure	
II		Capital Expenditure :	
	1)	Construction expenses	
	2)	Repayment of Loan/Advances	
	3)	Repayment of Security Deposits	
	4)	Building License/Plan fee	
	5)	Royalty	
	6)	Refund of E M D	
III		Charitable Expenditure :	
	1)	Scholarship	
	2)	Medical Expenses	
	3)	Marriage Expenses	
IV		Festival Expenditure :	
	1)	Meelad	
	2)	Shab-e-Mairaj	
	3)	Shab-e-Barat	
	4)	Shab-e-Qader	
	5)	Mosque/Idgah/Dargah expenses	
	6)	Urs 105	
V		Miscellaneous Expenditure :	
	1)		
	2)		
	3)		
	4)		
			Total _____
VI		Closing Balance	

**Name & Signature of the  
Mutawalli / President / Secretary**

**Form No.91***[ See Rule 74 (3) ]***NOTICE**

Notice under Section 46 and Rule 51(3) to the Mutawalli/Managing Committee of a Waqf for non Submission of statement of accounts for the year\_\_\_\_\_.

The statement of accounts of a Waqf should be furnished to the Bihar State Shia/Sunni Waqf Board(s) before 1st of May for the year----- under Section 46(2) of the Waqf Act. It is noticed that you Janab----- Mutawalli/President/Secretary of-----Waqf has failed to furnish the statement of accounts for the year----- before 1st of May \_\_\_\_\_.

You are therefore hereby directed to furnish the same within seven days from the date of receipt of this notice and also furnish your explanation as to why action should not be initiated against you to impose a penalty under Section 61 of the Waqf Act. If you fail to furnish the said statement of accounts alongwith your explanation for non-Submission, the Board will proceed in accordance with law.

**Chief Executive Officer/ Authorized Officer**

**To,**

Janab-----  
Mutawalli/President/Secretary  
-----  
(name of the Waqf instn.)

**Form No.92***[ See Rule 75 (2)(c) ]***Report of Internal Audit of Waqf**

1. Name of the Waqf :
2. Name of the Mutawalli/President/ :  
Secretary of Managing Committee. :
3. If the Waqf is under Direct :  
Management Order No. date and  
name of the Administrator.  
category under Sub Rule (1) of Rule 52
4. Date of previous Audit :
5. Date of Present Audit :
6. Names of Audit Officer.
7. Action taken on previous audit report
  - a) Total No. of paras observed
  - b) No. of paras for which compliance :  
furnished
  - c) No. of paras dropped :
  - d) No. of paras for which compliance :  
is due
  - e) Total Amount ordered for recovery :  
in the Audit
  - f) Amount Recovered, Balance & reasons :  
for non-recovery of balance.
8. Whether statement of account is furnished :  
under Sub-Rule 2 of Rule 51, if Submitted,  
when (date of Submission) ?
9. Whether Budget is furnished and approved :  
by the Board.
10. Whether registers prescribed under Sub-Rule 1  
of Rule 51 are maintained (separate paras  
regarding verification and observations  
be recorded)
11. Whether 7% Waqf contribution is assessed and  
paid in accordance with Rules.
12. If Loans are availed, whether there is :  
repayment of such loans.
13. (a) Whether amount due to the Waqf are :  
recovered in time?  
(b) Balance to be collected :  
(c) Balance due and the period of such dues :  
(to be enclosed in each case)
14. Details of violations and action initiated under Section 51, :  
52, 53, 54, 56 etc.
15. Whether any grants are released?  
If so the details :
16. Whether these grants are utilized properly? :
17. Is there any property which :  
can be developed commercially.  
A brief note on the proposal for Development.
18. Any other observation :

Dated:

Name &amp; Signature of the Auditor

**Form No.93**

[ See Rule 75 (3) ]

Annual programme of audit of Waqf institutions for the year-----of-----  
-----District.

(A) List of Auqaf with net annual income of above one lakh (to be audited every year)

Sl. No.	Name of the Waqf	Name of the Mutawalli / Secretary of the Waqf	Approximate Annual income.	Year of last audit.	Date of current audit.	Name of the Auditor.

Chief Executive Officer

(B) List of Auqaf with net annual income above Rs.50,000/-and below one lakh (to be audited once in three years)

Sl. No.	Name of the Waqf	Name of Mutawalli / Secretary of the Waqf	Approximate Annual income	Year of last audit.	Date of current audit.	Name of the Auditor
1.						
2.						
3.						

Chief Executive Officer

**Form No.94**

[ See Rule 75 (5) ]

**NOTICE**

Notice to Mutawalli/Secretary of a Waqf institution intimating in advance the programme of audit of the Waqf for the year -----.

The audit of every Waqf is to be conducted u/s 47 of Waqf Act and Rule 52 of Bihar State Waqf Rules, 2014.

The annual programme of audit for the year -----is finalized and published by the Bihar State Shia/Sunni Waqf Board(s) under Rule 52. As per this annual programme the audit of ----- Waqf will be conducted by-----on -----date. You are therefore hereby directed to produce all the relevant records for the smooth conduct of audit.

Chief Executive Officer/ Authorized Officer

To,

Janab-----

Mutawalli/Secretary

------(name of the Waqf)

Note: If you fail to comply with the above instructions action under Section 61 shall be initiated against you and you may be punished with imprisonment for a term of upto six months and also fine upto Rs.15,000/-

(To be issued 15 days in advance before the date of audit.)

**Form No.95***[ See Rule 76 ]***NOTICE**

Notice to the Mutawalli/Managing Committee of-----Waqf for taking action under Sub-Section (1) of Section 48.

Whereas the Bihar State Shia/Sunni Waqf Board(s) as per the annual programme of audit under Rule 52 had taken up the audit of -----Waqf on ----- date. The auditor has submitted his report under Section 47 (2) of the Waqf Act which reveals that the following grave acts of omissions/commissions/misuse of Waqf property/Waqf fund/falsification of records are reported.

- 1.
- 2.
- 3.

Now therefore the Bihar State Shia/Sunni Waqf Board(s) has to pass an order on the report of auditor under Section 48(1) of Waqf Act, for the recovery of the amount certified by the auditor under Section 47(2). You are therefore called upon to explain as to why such an order should not be passed against you for the recovery of ----- amount (in words and in figures) within seven days from the date of service of this notice. If no explanation is received within the stipulated time, the Board shall in addition to passing an order under Section 48 (1) shall also proceed to impose penalty under Section 61 of the Waqf Act 1995.

**By order of the Board**

**Chief Executive Officer**

Note: If you fail to comply the above instructions then action under Section 61 shall be taken against you and you may be punished with imprisonment for a term of upto six months and also fine upto Rs.15,000/-.



**Form No.96***[ See Rule 77 (1) ]***Notice of Demand under Section 49 of the Waqf Act, 1995.****NOTICE**

You are hereby required to take notice that a sum of Rs:----- (Rupees-----in words) is due by you as per the report of the Auditor under Section 47 of the Waqf Act/as modified by an Order of the Board or Tribunal under Section 48 of the Waqf Act/towards payment of Waqf 109 contribution from -----to -----and that unless it is paid to the account of the Board, within sixty days from the date of service of this Notice, together with a sum of Rs:----- (Rs:-----) being the fee chargeable for this Notice, compulsory proceedings will be taken according to Law for the recovery of whole amount still due by you as per the Report of the Auditor.

**Chief Executive Officer****To,**

**The Mutawalli/ Secretary of  
the Managing Committee,**

.....  
.....

Copy to the Chairman/Administrator,, ----- the concerned.

**Form No.97***[ See Rule 77 (2) ]***Notice of defaulter under Section 49 of the Waqf Act, 1995.****NOTICE**

Whereas a Demand Notice regarding payment of dues was issued to you under Section 49 of the Waqf Act and in spite of expiry of time limit of sixty days, you have failed to remit the amount of Rs:----- (Rs:-----) as per the demand.

Therefore, you are hereby called upon to explain within seven days as to why a Certificate of Recovery of the said amount as arrears of Land Revenue should not be issued under Section 49 (2) of the Waqf Act, 1995.

**Chief Executive Officer****To,**

**The Mutawalli/  
The Secretary of the Managing Committee, .....**  
.....

Copy to the Chairman/Administrator, District Auqaf Committee, ..... the concerned.

**Form No.98**  
*[ See Rule 77 (3) ]*  
**CERTIFICATE OF RECOVERY**

It is hereby certified that the person(s)/the Waqf Institution noted in the schedule is liable to pay Rs. .... (Rupees.....) under Section 34 / Section 49 / Section 72 of the Waqf Act.

The said amount has not been paid inspite of reasonable opportunity being afforded by serving a Demand Notice No. .... Dated ..... and a defaulter Notice No. .... dated ..... served on the person(s)/Mutawalli of the Waqf shown in Column 3 of the Schedule on .....(date)

**SCHEDULE**

Sl. No.	Details of amount due of the Waqf	Name of the person(s) / Mutawalli of the Waqf	Address of the person Mutawalli	Amount Due (in Rs.)
1	2	3	4	5

It is therefore requested that the amount of Rs. .... (Rupees. ....) due under Section 34 / Section 49 / Section 72 of the Waqf Act, be recovered as arrears of Land Revenue and remitted to the Chief Executive Officer, Bihar State Shia/Sunni Waqf Board(s), \_\_\_\_\_, by a Demand Draft.

**By order of the Board**

**Chief Executive Officer.**

**To:**

**The District Magistrate, .....District.**

**Form 99***[See Rule 78(1)]***Statement indicating the net annual income of the Waqf and the contribution payable  
(to be furnished by 1st July every year)]**

1. Name of the Waqf
2. The income assessed as per Statement of Accounts under Sub-Rule (2) of Rule 74 in Form No. 90.
3. Deduction from the income as per Sub Section (1) of Section 75
  - i)
  - ii)
  - iii)
  - iv)
  - v)
4. Net income derived from the Waqf 5. 7% Waqf Contribution payable to the Board.

Signature of the Mutawalli/ Secretary of the Managing Committee

To

The Chief Executive Officer,  
Bihar State Shia/Sunni Waqf Board(s).  
Or  
Authorized Officer,  
.....

Copy to the Chairman, District Auqaf Committee, .....

**FORM NO 100***{See Rule 78 (2)}***REGISTER OF DEMAND, COLLECTION & BALANCE OF WAQF CONTRIBUTION**

Name of the District \_\_\_\_\_

Name of the Circle	Name of the Waqf	Net income fixed	7% Waqf contribution	Details of Waqf contribution payable to Board			Date of payment	Amount paid (cash cheque or DD)	Receipt No. & Date	Balance (6-8)	Remarks
				Arrears	Current year Demand	Total Waqf Contribution Due					
	1	2	3	4	5	6	7	8	9	10	11

Date:

Signature of the Waqf Officer.

**FORM NO 101**

{See Rule 78 (3)}

**REGISTER OF DISTRICT WISE DEMAND, COLLECTION & BALANCE OF WAQF CONTRIBUTION IN THE STATE**

Name of the Circle	Name of the Waqf	Net income fixed	7% Waqf contribution	Details of Waqf contribution payable to Board			Date of payment	Amount paid (cash cheque or DD)	Receipt No. & Date	Balance (6-8)	Remarks
				Arrears	Current year Demand	Total Waqf Contribution Due					
	1	2	3	4	5	6	7	8	9	10	11

Date:

Signature of the Supdt. of Accounts,  
Bihar State Shia/Sunni Waqf Board.**FORM NO 102**

{See Rule 78 (4)}

**REGISTER OF DEMAND OF WAQF CONTRIBUTION**

Name of the District. \_\_\_\_\_

Name of Circle	Name of the Waqf	Net Income fixed	7% Waqf contribution	Details of Waqf contribution payable to Board			Remarks
				Arrears	Current year Demand	Total Waqf Contribution Due	
1	2	3	4	5	6	7	8

Date:

Signature of the Waqf Officer,

**Form 103**

{See Rule 78(5)}

**Notice to Defaulter**

To

.....  
 .....  
 .....

You are hereby required to take notice that a sum of Rs. \_\_\_\_\_ (in words \_\_\_\_\_) is due from you, being the Waqf contribution payable, has not been paid to the Bihar State Shia/Sunni Waqf Board(s).

You are therefore directed to pay the aforesaid sum within (10) days from the date of service of Notice together with the sum of Rs. \_\_\_\_\_ being the fee chargeable for the Notice. Failing which the same will be recovered in accordance with law.

Date \_\_\_\_\_ day of \_\_\_\_\_

**Waqf Officer/Waqf Inspector**

**Form 104**  
*[See Rule 78 (8)]*

**NOTICE**

**(To be issued under Section 76 read with Rule 78, if it is found that net annual income needs to be revised)**

Whereas, you Sri \_\_\_\_\_ Mutawalli / Secretary of the Managing Committee of Waqf furnished returns of net annual income under Rule 70 and after verification, it is found that your annual income needs to be revised from Rs. \_\_\_\_\_ ( in words) to Rs. \_\_\_\_\_ ( in words) for the reasons that you have not properly assessed the income for the following item:-

- i)
- ii)
- iii)
- iv)
- v)
- vi)

Therefore, you are called upon to explain within seven days from the date of receipt of this Notice, as to why annual income of the above said institution should not be revised to the amount assessed by the Waqf Officer/Inspector-Cum-Auditor. District Auqaf Committee \_\_\_\_\_ District. If you fail to furnish your reply, the revised amount assessed will be accepted and taken into the Demand.

**Chief Executive Officer/  
Authorised Officer**

**To**

**The Mutawalli/  
The Secretary of the Managing Committee**

\_\_\_\_\_  
\_\_\_\_\_

**Copy to the Chairman/ Administrator, .....District.**

**Form 105***[See Rule 78 (9)]***NOTICE****(Notice regarding escaped amount leviable under Section 72 of the Act, 1995)**

Whereas it is seen from the Assessment furnished by you regarding the net annual income under Sub Rule (1) of Rule 78 read with Section 72 of the Waqf Act, that the amount noticed hereunder has escaped the assessment thereby the contribution paid/payable by you needs to be revised.

1. Name of the Waqf institution :
2. Year of assessment :
3. Actual amount assessed :
4. Proposed amount assessed :
5. Contribution levied as per assessment under Sl.No.3 :
6. Difference of assessed amount :
7. Revised Contribution :
8. Remarks

You are therefore called upon to explain within 30 days from the date of receipt of this Notice, as to why a demand as shown in column 7 should not be revised. Failing which the same will be taken to demand as arrears and collected from you.

**Chief Executive Officer/**

**To**

**The Mutawalli/  
The Secretary of the Managing Committee,**

\_\_\_\_\_ Copy to the Chairman/ Administrator, .....District.

**Form 106***[ See Rule 80 (1)]***Register of Donation**

Sl. No.	Name and address of the donor	Date	Details of the donation		Remarks
			Cash	Kind	
1	2	3	4	5	6

\* If in kind the details of the article donated to be indicated.

**Chief Accounts Officer**

**Form 107***[ See Rule 80 (2)]***Register of income from Court Fee.**

Sl. No.	Date	Name of the Tribunal / other Court	Amount Received	Cheque No. / D.D. No.	Remarks
1	2	3	4	5	6

Chief Accounts Officer

**Form 108***[See Rule 80 (3)]***Register of Waqf contribution**

Sl. No.	Name of the District	Date	Cheque No. / D.D. No.	Amount received	Remarks
1	2	3	4	5	6

Chief Accounts Officer

**Form 109***[See Rule 80 (4)]***Register of Investment/Deposits**

Sl. No.	Details of Investment / Deposit	Acc. No. FDR No.	Date of investment / deposit.	Amount	Date of maturity	Amount after maturity	Remarks
1	2	3	4	5	6	7	8

Chief Accounts Officer

**Form 110***[ See Rule 80 (5)]***Register of Expenditure**

Sl. No.	Details of expenditure	Sub Head	Bill / Voucher order no. and date	Amount
1	2	3	4	5

Chief Accounts Officer

**Form 111***[ See Rule 80 (6)]***CASH BOOK FOR WAQF FUND****Receipts**

Sl. No.	Date of receipt	Receipt No.	Grants	Donations	Tribunal Fee	Waqf Contribution	Matured investment	CWC Loans	Receipts

**Payments**

Sl. No.	Date of payment	Voucher No.	Grants	Office expenses.	Tribunal Fee	Purchase of office equipments	Investment made	Salary	TA	Other expenses	Total

Chief Accounts Officer



**Form 111A***[ See Rule 80 (7) ]***REGISTER OF INTEREST ACCRUED ON TERM DEPOSITS AND OTHERS IN THE BANK ACCOUNTS OF BIHAR STATE SHIA/SUNNI WAQF BOARD(S)**

Sl. No.	Name of the Bank	Account No.	TDR No.	Interest accrued	Amount utilized for destitute	Balance

Signature of the Accounts Officer,  
Bihar State Shia/Sunni Waqf Board(s).

**Form 112***( See Rule 81 )***BUDGET ESTIMATE OF BIHAR STATE SUNNI/SHIA  
WAQF OF AUQAF 20.....20.....**

Actual for 20.....20	Sanctioned Estimate for Current year 20.....20	Revised estimate for Current year		Total	Budget Estimate for year 20.....20
		Actual for 8 months.	Probable Expenditure for 4 months.		

Opening Balance.

Receipt  
(As per Form 112A)

Expenditure  
(As per Form 112B)

Closing Balance.

Grand Total :

**Form 112A**  
[ See Rule 81(l) ]

**Budget Estimate of Receipts for Bihar State Board of Auqaf for the financial year  
20.....20.....**

Sl. No.	Receipts.	Actuals for the previous year	Budget estimate current year.	Revised Budget estimate for current year	Budget estimate for ensuing financial year
1	2	3	4	5	6
1.	Opening Balance.				
2.	Rent of Building.				
3.	Contribution from Waqf Institution at rate 7%				
4.	Maintenance Grants				
5.	Tribunal Fee				
6.	Other Grants.				
7.	Scrutiny Fee / Copying Fee				
8.	Fines and Penalties				
9.	Loans and Advance.				
10.	Interest and Guarantee Commission				
11.	Sale of Forms.				
12.	Recovery of Litigation Fee				
13.	Sale of Forms.				
14.	Service Charges.				
15.	Loan form Waqf Institution				
16.	Interest on Deposits.				
17.	Raising of Securities / Debentures				
18.	Other Receipts.				
	<b>Grand Total</b>				

**Form 112A (i)***[ See Rule 81 (I) ]***Statement of Demand of Waqf contribution**

Total number of Waqf Institution in the State.	Number of Waqf Institution for which 7% contributions is assessed.	Demand fixed during the Previous year 20.....20.....	Amount actually collected.	Demand preferred for the ensuing year 20 .... 20.....	Demand for current year 20.....20.....	Amount collected for year	Remarks.

**Form 112 A (ii)***[ See Rule 81(I) ]***Statement of Maintenance Grants.**

Sl. No.	Item	Grants proposed during the Previous financial year 20.....20.....	Grant received during the current financial year 20...20....	Additional grants, if any.	Grants preferred for ensuing year 20.....20.....	Reasons for increase.	Remarks.

1. Establishment charges & allowances of staff.
2. Honorarium and allowances for the Chairperson and members of the Board.
3. Maintenance of Vehicles.
4. Allowances to the other Committees.
5. Contingency.
6. Any other item.

**Form 112 A (iii)***[ See Rule 81(I) ]***Statement of Rent Received.**

Sl. No.	Details of the property.	Grants received during the Previous year 20.....20.....	Rents received during the current year 20...20....	Expected rents for the ensuing year 20...20....	Grand Total	Remarks.

**Form 112 A (iv)**  
[ See Rule 80(l) ]

**Statement of other Grants.**

Sl. No.	Details	Purpose	Amount sanctioned.	During the previous year.		During the Current year.			Proposed for ensuing	Remarks.
				Amount released.	No. of Waqf Institution	No. of sanctioned upto the end of	Amount released to institution	No. of Waqf institutions.		

1. Grant-in-Aid.
2. Any other Grants.

**Form 112 A (v)**  
[ See Rule 81(l) ]

**Statement of Interest on Deposit with Banks.**

Sl. No.	Details of Investment / Deposits.	Date of investment.	Amount	Date of maturity	Interest accrued.	Remarks.
1	2	3	4	5	6	7

**Grand Total :**

**Form 112 A (vi)**  
[ See Rule 81(l) ]

**Statement of Honorarium to Pesh Imam and Mouzans.**

Sl. No.	Details of O.B.	Grant received during the current year.	Total	Grants proposed for the ensuing year.	Remarks.
1	2	3	4	5	6

**Grand Total :**

**Form 112 A (vii)**  
[ See Rule 81(l) ]

**Statement of grant received for payment of maintenance to the Muslim women under Section 77(4)(g) of the Act.**

Sl. No.	Details of O.B.	Grant received during the current year.	Total	Grants proposed for the ensuing year.	Remarks.
1	2	3	4	5	6

**Grand Total :**

**Form 112B**

[ See Rule 81(II) ]

**Budget Estimate of expenditure of Bihar State Board of Auqaf for the financial year  
20.....20.....**

Sl. No.	Head of Expenditure.	Actuals for the previous year	Budget estimate current year.	Revised Budget estimate for current year	Budget estimate for ensuing financial year
1	2	3	4	5	6
<b>General Administration.</b>					
1.	Deficit for previous year.				
2.	A) Remuneration and allowances to the Chairperson.				
	B) Sitting Fee and allowances to the Members of the Board.				
3.	Salary of CEO				
4.	Salary of Officers.				
5.	Establishment.				
	(a) Permanent.				
	(b) Temporary.				
6.	Travelling Allowances.				
7.	Other Allowances.				
8.	Contingencies. a). Corporation Tax. b). Postage. c). Stationary. e). Electric charges. f). Telephone charges. g). Printing Charges. h). Furniture. i). Hospitality charges.				
9.	Legal charges.				
10.	Interest on Loans and advances.				
11.	Grants and Scholarship.				
12.	Capital Expenditure on lands and building.				
13.	Maintenance and repairs of Vehicle.				
14.	Maintenance and repairs of Board's Building.				
15.	Contribution to employees Provident Fund.				
16.	Pension, Gratuity and Family Pension.				
17.	Audit Fee.				
18.	Contribution to CWC, New Delhi.				
19.	Others.				
	<b>Grand Total</b>				

**Form 112B (i)***[ See Rule 81 (II) ]***Statement of payment of Salaries and allowances to the Officers and Staff.**

Sl. No.	Category and Designation.	No. of Post.	Scale.	Expenditure during the previous year.	Expenditure during the current year up to .....	Increase by way of increments	Increase in allowances.	Proposed expenditure for ensuing year.	Remark .
1	Group-A								
2	Group-B								
3	Group-C								
4	Group-D								

**Form 112 B (ii)***[ See Rule 81(II) ]***Statement of Payment of Honorarium, sitting fee and other allowances to Chairperson and members.**

Sl. No.	Category & designation.	Expenditure incurred during the Previous year 20.....20.....	Expenditure incurred during the current year 20...20....	Proposed expenditure for next year			Remarks.	Total
				Honorariu.	Sitting fee	Allowance		

**Form 112 B (iii)***[ See Rule 81(II) ]***Statement of Expenditure by District Waqf Advisory Committee.**

Sl. No.	Details.	Amount spent during the Previous year	Budget provision during the current year 20...20....	Amount spend up to the end of .....	Proposals for ensuing financial year.	Remarks.

1. Sitting Fee.
  2. Allowances.
  3. Other expenditure.
- Grand Total

**Form 112 B (iv)***[ See Rule 81(I) ]***Statement of Expenditure on contingencies.**

Sl. No.	Details of Contingencies	During the previous year.		During the current year.		Proposed expenditure for next financial year 20....20....	Remarks.
		Allotment	Expenditure	Allotment	Expenditure up to .....		

1. Telephone.
  2. Stationary.
  3. Printing.
  4. Maintenance of vehicle.
  5. Fuel.
  6. Office Expenses.
- Grand Total :**

**Form 112 B (v)***[ See Rule 81(II) ]***Statement of Expenditure on Preservation and Protection of Waqf Properties.**

Sl. No.	No. of Waqf properties	Amount spent during the previous year 20...20...	Amount spent during the current year 20...20...	Proposal for the next financial year.		Remarks.
				No. of properties.	Amount	
1	2	3	4	5	6	7

**Total :****Form 112 B (vi)***[ See Rule 81(II) ]***Statement of Expenditure on Honorarium to Pesh Imam and Mouzans/Mouzins.**

Sl. No.	No. of Pesh Imam and Mouzans / Mouzins	Amount spent during the previous year 20...20...	Amount spent during the current year 20...20...	Proposal for the next financial year.		Remarks.
				No. Pesh Imam and Mouzans / Mouzins	Amount	
1	2	3	4	5	6	7

**Total :**



**Form 112 B (vii)**

[ See Rule 81(II) ]

**Statement towards payment of maintenance to the Muslim women under Muslim women (Protection of rights on Divorce) Act, 1986 as ordered by a Court.**

Sl. No.	No. of Muslim women	Amount spent during the previous year 20...20...	Amount spent during the current year 20...20...	Proposal for the next financial year.		Remarks.
				No. Muslim women	Amount	
1	2	3	4	5	6	7

**Total :****Form 113**

( See Rule 85 (1) )

Before the Bihar State Waqf Tribunal .....Division

Between ..... Applicant Name &amp; address

AND

..... Respondents  
Name & address

**DETAILS OF THE APPLICATION**

- 1) Particulars of the orders against which the application is made. The application is made against the following order:
  - (a) Order No. 116
  - (b) Date
  - (c) Passed by
  - (d) Subject in brief
- 2) (A) Facts of the Case
  - i.
  - ii.
  - iii.
 (B) Grounds for relief, including the relevant legal provisions in support of relief.
- 3) Matters not previously filed or pending with the Waqf Tribunal or any Court including High Court. The Applicant further declares that he had not previously filed any application, Writ Petition regarding the matter in respect of which this application is made. In case the applicant had previously filed any application, Writ Petition, the first of the decision should be given.
- 4) Relief

Verification:

(Name of the Applicant) ..... S/o .....

D/o ..... W/o ..... age .....

Occupation ..... Residing at .....

[[

Do hereby verify that the contents of the paras 1 to .....are true to my knowledge, belief and information and that I have not suppressed any material facts.

**Date:****Signature of Place: Applicant**

**Form 114**  
( See Rule 97)

Counter Foil :	Before the Bihar State Waqf Tribunal
No. .... Date: .....	Application/Suit/Appeal No. ....
	No. .... Date .....
Cash Receipt	Cash Receipt
Received from ..... a	Received from ..... A
sum of Rs. .... in	sum of Rs. .... in
words .....	words .....
Towards	Towards
(1) Copying charges	(1) Copying charges
(2) Process Fee	(2) Process Fee
(3) Fee for Application/ Interim Relief (4)	(3) Fee for Application/ Interim Relief (4)
.....	.....
Accountant	Accountant
Bihar State Waqf Tribunal	Bihar State Waqf Tribunal

**Form 115**  
(See Rule 99)

General Annual Report on the working and Administration of the Bihar State Sunni / Shia Waqf Board and the Administration of Waqfs in the State during the year

.....

Part 1 : (Report Proper)

Section I ..... Constitution and Management.

Section II ..... Financial Position.

Section III ..... Removal of encroachment and protection and leasing Waqf property.

Section IV ..... Litigation and working of Waqf Tribunals.

Section VI ..... General.

Part II Section I Constitution and Management.

(1) Jurisdiction : (i). The area and population of Muslims.

(ii). Number of Boards.

(iii). Number of Territorial Division (Distt. Units).

(iv). Number of Waqf Institutions.

(2) Personnel : (i). Total number of Board Members.

(ii). Number of Members by nomination and their names.

(iii). Chairman ..... Name and Category and Date of Election.

(iv). C.E.O. .... Name and period from which working.

(v). Name of other officers.

(3) Meeting and Attendance :

(i). Number of Meeting – ordinary, general, special and adjourned.

(ii). Regularity in holding of meetings, attendance of members in the meeting, meetings, adjourned.

- (4) Committees : (i). Total Number of Standing Committees their functions and details may be indicated alongwith names of members.  
(ii). Total Number of other Committee and Adhoc Committee.  
(iii). General Summary of work of each Committee, aggregate attendance, name of the most energetic and most slack amongst the Committee, most favoured by the members of the Board.  
(iv). Joint Committee, if any work done by them.
- (5) Establishment :  
Act of the organization set up of the Board alongwith the performances indicated the cost of establishment as presented in the rules ad expenditure incurred may be highlighted, meetings and conferences for the administration and the results achieved may be indicated.
- (6) Registration :  
Section II Financial position.  
Summary of the financial transaction.
- (7) Head of Account Opening Balance. Closing Balance.  
Details of closing Balance Cash in Hand, Cash in Bank / Deposits etc., may be given.  
(i). Whether minimum Balance maintained.  
(ii). Diversion of funds :
- (8) Receipts and expenditure :  
(i). Summarized details of receipts and expenditure may be given for the two preceding year beside the year under report and items showing increased receipts and expenditure may be indicated.
- (9) Investments, Loans and Grants.
- (10) Audit :  
(i). The period for which the audit has been completed under Section 80. Action taken on the audit reports etc.  
(ii). Whether programme of audit of Waqfs including Waqfs under completed under Rule 40 of Bihar Waqfs and other relevant provisions.  
(iii). Cases of mis-appropriation of money by the Waqf institution may be highlighted and action taken under the provisions of Waqf Act, 1995 by the Bihar State Sunni/Shia Waqf Board to be examined.  
(iv). Cases of improvement in the finances of any Waqfs whether under direct management or otherwise.
- (11) Assets and Liabilities :  
(i). Details of Rentals from immovable properties.  
(ii). Outstanding Collections and Balance of Waqf Committee, other dues, Loans, number of Bills and amount pending for payment.  
(a). Remunerative enterprises :  
(i) Possibility of Loan for development of Waqf property from Central Waqf Council and the achievements thereof to be indicated in the development of Waqf properties and increase in the income by the Waqf to be examined.  
(ii) Details of projects taken up by the concerned institution or by the Board out of their own funds to be indicated.  
(iii) Details of projects taken own funds to be indicated.  
(iv) Projects taken up with other funds improvements thereof.  
(v) Grants under Grant-in-aid code for development of Waqfs utilization certificate of eh said Grants to be finalized by the Board.

- (b). Removal of encroachment, protection and leasing Waqf property.
1. Whether the list of encroachment are maintained by the Board and a programme to identify the encroachment on Waqf properties like Burial Ground, Idghas etc. is taken up by the Board, if so, details.
  2. Progress in the relevant provisions of the Waqf Act to remove encroachments, implementation of the orders and requisition by the District Magistrate and Sub-Divisional Magistrate regarding the removal of encroachment and restoration of Waqf properties to be examined and highlights of achievements and slackness may be indicated. Problems faced by the Board regarding enforcement thereof be examined.
  3. Action taken by the Board regarding preservation and protection of Waqf properties by utilizing Waqf fund under Section 77(5).

(12) Leasing of Waqf Properties

Total number of properties leased number of applications received and disposed under the relevant provisions of the Bihar Waqf Rules. Any deviation noticed ay also be highlighted.

(a). Litigation's and Working of Tribunals :

1. Details of suits and writ petition pending in various courts to be examined and disposed by the Board by way of furnishing parawise replied to be taken into account and the details of total number of adjournments taken up by the Advocates of the Board. Expenditure incurred by way of Advocate fees to be checked up. The efficiency of the panel of Advocates to be examined by checking out number of cases in which orders are made in favour of the Board.
2. Regarding Tribunals the number of appeal, suits, applications filed and their disposal by each Tribunal may be reviewed problems faced by the Tribunal in the disposal of cases may be highlighted. The Tribunal fee collected and its remittance to the Waqf Fund to be examined.

(b). General

1. Visit-of distinguished persons and address to be mentioned.
2. Relationship between the Board and the Chief Executive Officer in the smooth administration of the Board may be highlighted.
3. Inspection of Waqf Committees, Waqf Institutions and Table inspection in the Board Office by the Chief Executive Officer or other officers and the compliance to the said inspection.
4. Action taken on the review by the Government on the general annual report from the preceding year. The year under the report may be examined.

Conclusion : Any other important matter affecting the general Administration of the Waqf Board and the Waqf Institution to be highlighted.

**Madan Lal,**  
*Under Secretary to Government.*